

2001

ILLINOIS

REGISTER

RULES
OF GOVERNMENTAL
AGENCIES



Volume 25, Issue 22
June 01, 2001

Pages 6,773 – 7,007

Index Department
Administrative Code Div.
111 East Monroe Street
Springfield, IL 62756
(217) 782-7017
<http://www.cyberdriveillinois.com>



Printed on recycled paper

TABLE OF CONTENTS
June 1, 2001 Volume 25, Issue 22

PROPOSED RULES

CAPITAL DEVELOPMENT BOARD	
Prequalification And Bidder Responsibility	
44 Ill. Adm. Code 950	6773
Prequalification Of Architects And Engineers	
44 Ill. Adm. Code 980	6790
Selection Of Architects/Engineers (A/E)	
44 Ill. Adm. Code 1000	6806
 CHILDREN AND FAMILY SERVICES, DEPARTMENT OF	
Office Of Inspector General (OIG)	
89 Ill. Adm. Code 430	6810
 HUMAN SERVICES, DEPARTMENT OF	
Practice In Administrative Hearings	
89 Ill. Adm. Code 14	6822
 PROFESSIONAL REGULATION, DEPARTMENT OF	
Acupuncture Practice Act	
68 Ill. Adm. Code 1140	6827
Illinois Dental Practice Act	
68 Ill. Adm. Code 1220	6835
Private Detective, Private Alarm, Private Security, And Locksmith Act	
Of 1993	
68 Ill. Adm. Code 1240	6846
 PUBLIC AID, DEPARTMENT OF	
Medical Payment	
89 Ill. Adm. Code 140	6855

ADOPTED RULES

ENVIRONMENTAL PROTECTION AGENCY	
Alternate Fuels Program	
35 Ill. Adm. Code 275	6877
 FARM DEVELOPMENT AUTHORITY, ILLINOIS	
Illinois Farm Development Authority	
8 Ill. Adm. Code 1400	6886
 NATURAL RESOURCES, DEPARTMENT OF	
Disabled Hunting Method Authorizations	
17 Ill. Adm. Code 760	6899
Youth Hunting Seasons	
17 Ill. Adm. Code 685	6904

**NUCLEAR SAFETY, DEPARTMENT OF
Standards For Protection Against Laser Radiation
32 Ill. Adm. Code 315 6920**

PUBLIC AID, DEPARTMENT OF	
Hospital Services	
89 Ill. Adm. Code 148	6959
Hospital Reimbursement Changes	
89 Ill. Adm. Code 152	6966

JOINT COMMITTEE ON ADMINISTRATIVE RULES

Second Notices Received 6971

EXECUTIVE ORDERS AND PROCLAMATIONS

PROCLAMATIONS

01-136	Minority Health Month (Revised)	6972
01-173	Rita Hayworth Gala And Alzheimer's Association Day (Revised)	6972
01-180	Clementine Price Day	6973
01-181	Ebenezer Evangelical Lutheran Church Day	6973
01-182	Michael Kay Day	6974
01-183	Shared Housing Week	6974
01-184	Volunteer Week (Chicago Region)	6975
01-185	Volunteer Week (East Central Region)	6975
01-186	Volunteer Week (Egyptian Region)	6976
01-187	Volunteer Week (Metro East Region)	6976
01-188	Volunteer Week (North Suburban Region)	6977
01-189	Volunteer Week (Northwest Region)	6977
01-190	Volunteer Week (Peoria Region)	6978
01-191	Volunteer Week (South Suburban Region)	6978
01-192	Volunteer Week (Springfield Region)	6978
01-193	Counselor Appreciation And Recognition Day	6979
01-194	Emergency Medical Services For Children Day	6979
01-194	Emergency Medical Services For Children Day (Revised)	6980
01-195	Emergency Medical Services Week	6980
01-196	J. William DeMarco Day	6980
01-197	Maritime Day	6981
01-198	P. Buckley Moss Day	6982
01-198	P. Buckley Moss Day (Revised)	6982
01-199	Soy Foods Month	6982
01-200	Multiple Chemical Sensitivity Awareness Week	6983
01-201	Poppy Days	6983
01-202	Resident Councils Make A Difference Day	6983
01-203	Better Speech And Hearing Month	6984
01-204	Infant Immunization Awareness Week	6984
01-205	Melissa Forman Week	6985
01-206	Spartan Light Metals Products, Inc. Day	6985

01-207	Golden Apple Scholars Of Illinois Day	6986
01-208	Illinois Governmental Internship Program Day	6986
01-209	NAIW Week	6987
01-210	Northwest Center Of Traditional Polish Dancing Day	6988
01-211	Round Lake Area Panther Pride Day	6988
01-212	Adolescent Suicide Prevention Week	6989
01-213	Peoria Citizens Committee For Economic Opportunity Day	6989
01-214	Colonel Timothy Weaver Day	6990
01-215	Jackie Garner Day	6990
01-216	Safe Kids Week	6991
01-217	Song Festival Days	6991
01-218	Armenian Christianity Day	6992
01-219	El Dia De Los Ninos	6992
01-220	Families Of Distinction Day	6993
01-221	Organ And Tissue Donor Awareness Month	6993
01-222	Pastor Jo Ann Long Day	6994
01-223	Sigma Gamma Rho And Kappa Alpha Psi Sorority And Fraternity Days	6994
01-224	Southern Illinois Festival Of Irish Music And Dance Day	6995
01-225	Crime Victims' Rights Week	6995
01-226	Polish Constitution Day	6996
01-227	Children's Mental Health Day	6997
01-228	MDA Disability Awareness Month	6997
01-229	We Remember, We Care For Indigent Persons Day	6997
01-230	Charter Schools Week	6998
01-231	Cytotechnology Day	6998
01-232	American Chemical Society Days	6999
01-233	Asthma Day	6999
01-234	Edwin J. Korczynski Day	7000
01-235	Fair Housing Month	7000
01-236	Coach Dennie Gridges Day	7001
01-237	John T. Trutter Day	7002
01-238	Mental Health Week	7002
01-239	Christian School Day	7003
01-240	William J. Kallas Week	7003
01-241	Access Living Day	7004
01-242	Armenian Martyrs Day	7004
01-243	Colleen Wilson Day	7005
01-244	Michael W. Donnan Day	7006
01-245	Loyalty Day	7006
01-246	Disaster Area - State of Illinois	7006

ISSUES INDEX I-1

Editor's Note: The Cumulative Index and Sections Affected Index will be printed on a quarterly basis. The printing schedule for the quarterly and annual indexes are as follows:

Issue 16-April	14, 2000:	Data Through March	31, 2000
Issue 29-July	14, 2000:	Data Through June	30, 2000
Issue 42-October	13, 2000:	Data Through September	30, 2000
Issue 3-January	19, 2001:	Data Through December	31, 2000 (Annual)

CAPITAL DEVELOPMENT BOARD

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Prequalification and Bidder Responsibility

2) Code Citation: 44 Ill. Adm. Code 950

3) Section Numbers:

<u>Proposed Action:</u>
950.110 Amendment
950.130 Amendment
950.160 Amendment
950.170 Amendment
950.180 Amendment
950.200 Amendment
950.210 Amendment
950.220 New Section
950.230 New Section
950.240 New Section
950.310 Amendment
950.350 Amendment
950.360 Amendment
950.400 Amendment
950.410 Amendment
950.440 Amendment

4) Statutory Authority: Implementing and authorized by Section 9.06 of the Capital Development Board Act [20 ILCS 3105/9.06] and Sections 5-25 and 30-20 of the Illinois Procurement Code [30 ILCS 500/5-25 and 30-20].

5) A Complete Description of the Subjects and Issues Involved: Statutory interim or emergency suspension or modification of prequalification; examples of performance deficiencies that may be the basis for CDB action on prequalification; denial of prequalification that is not a suspension; CMS financial and conflict of interest disclosure form; exhaustion of administrative remedies; application forms on CDB Internet site; prequalification forms for renewal; administrative pre-hearing procedures; reporting firm status changes; notice of action on prequalification; bid withdrawals.

6) Will this proposed amendment replace an emergency amendment current in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this proposed amendment contain incorporation by reference? No

9) Are there any other proposed amendments pending on this part? No

10) Statement of Statewide Policy Objectives: This proposed amendment does not create or expand a state mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)].

CAPITAL DEVELOPMENT BOARD

NOTICE OF PROPOSED AMENDMENTS

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: From the date that this notice first appears in the Illinois Register, for a period of 45 days thereafter, interested persons may submit comments, in writing, to:

Claire Gibson, Deputy Chief Counsel
Capital Development Board
3rd Floor Wm. G. Stratton Bldg.
Springfield, Illinois 62706
217/782-1392

12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not for profit corporation affected: Small construction contracting firms.
- B) Reporting, bookkeeping or other procedures required for compliance:
Reporting significant firm status changes to CDB.
- C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: January 2000

The full text of the Proposed Amendments begins on the next page:

CAPITAL DEVELOPMENT BOARD

NOTICE OF PROPOSED AMENDMENTS

TITLE 44: GOVERNMENT CONTRACTS, PROCUREMENT AND PROPERTY MANAGEMENT
SUBTITLE B: SUPPLEMENTAL PROCUREMENT
CHAPTER XII: CAPITAL DEVELOPMENT BOARD

PART 950
PREQUALIFICATION AND BIDDER RESPONSIBILITY

SUBPART A: BIDDER RESPONSIBILITY

- 950.110 Purpose
- 950.120 Policy
- 950.130 Definitions
- 950.140 Special Projects
- 950.150 Confidentiality
- 950.160 Sources for Determining Responsibility
- 950.170 Processing of Contractor Prequalification and Bidder Responsibility
- 950.180 Ineligibility
- SUBPART B: SUSPENSION, DEBARMENT, MODIFICATION OF ABILITY TO BID, AND CONDITIONAL PREQUALIFICATION**
- 950.200 Actions Affecting Prequalification
- 950.210 Causes for Suspension, Debarment, Modification of Ability to Bid, or Conditional Prequalification
- SUBPART C: APPLICATION OF CDB ACTION**
- 950.300 General
- 950.310 Violation of CDB Order
- 950.320 Nullification of Prequalification
- 950.330 Denial of Award of Contract
- 950.340 Debarment
- 950.350 Reapplication for Prequalification
- 950.360 Extension of CDB Action
- 950.370 Effect on Current Contracts
- 950.380 Basis of Decisions
- 950.390 Settlement

CAPITAL DEVELOPMENT BOARD

NOTICE OF PROPOSED AMENDMENTS

950.420 Executive Director
950.430 Request for Reconsideration
950.440 Hearings Final-Consideration
950.450 Burden of Proof

AUTHORITY: Implementing and authorized by Section 9.06 of the Capital Development Board Act [20 ILCS 3105/9.06] and Sections 5-25 and 30-20 of the Illinois Procurement Code [30 ILCS 500/5-25 and 30-20].

- SOURCE:** Adopted at 2 Ill. Reg. 30, p. 140, effective July 27, 1978; amended at 4 Ill. Reg. 9, p. 233, effective February 14, 1980; amended at 5 Ill. Reg. 1890, effective February 17, 1981; amended and codified at 8 Ill. Reg. 20299, effective October 1, 1984; emergency amendment at 9 Ill. Reg. 3821, effective March 5, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 10659, effective July 3, 1985; amended at 9 Ill. Reg. 17321, effective October 29, 1985; amended at 12 Ill. Reg. 9860, effective May 27, 1988; amended at 16 Ill. Reg. 12424, effective July 28, 1992; Part repealed, new Part adopted at 19 Ill. Reg. 15607, effective November 2, 1995; amended at 20 Ill. Reg. 15222, effective November 15, 1996; amended at 22 Ill. Reg. 20007, effective November 9, 1998; amended at 25 Ill. Reg. _____, effective _____.

SUBPART A: BIDDER RESPONSIBILITY**Section 950.110 Purpose**

The Capital Development Board (CDB) contracts shall be awarded only to responsible contractors. A prospective contractor must affirmatively demonstrate its responsibility, including, when necessary, the responsibility of its proposed subcontractors and suppliers. In the absence of information clearly indicating that the prospective contractor is responsible, CDB shall make a determination of non-responsibility. Only responsible contractors shall be prequalified, and only prequalified contractors shall be permitted to bid on CDB projects. A determination of nonresponsibility may be made at any time prior to or after award of a contract.

(Source: Amended at 25 Ill. Reg. _____, effective _____)

Section 950.130 Definitions

The following definitions shall apply to this Part:

SUBPART D: PROCEDURES

"CDB" means the Capital Development Board.
"Contract Requirements" consist of any and all provisions of the CDB contract, which include, but are not limited to the following:

- 950.400 Review
- 950.410 Conference

CAPITAL DEVELOPMENT BOARD

NOTICE OF PROPOSED AMENDMENTS

The timely submittal of all post-award requirements.

Material compliance with all applicable statutory requirements, local, State and federal laws, environmental and regulatory requirements and CDB Rules and Resolutions.

Payment of prevailing wage rate as determined by the Illinois Department of Labor.

Adherence to alternative dispute resolution provisions.

Material compliance with all Minority and Female Business Enterprise Act requirements and workforce hiring goals.

Timely payment to subcontractors and suppliers, unless rightfully withheld and the contractor does not request payment from CDB.

Material compliance with project schedules.

Maintaining applicable licensing requirements.

"Contractor" or "Bidder" means a firm that is in the business of constructing some or all aspects of building projects.

"Key Person" means any individual who holds 5% or more ownership interest in the firm. In the event the firm is owned by another corporation, partnership, trust or business association, any individual within that firm or who is a trust beneficiary who holds a 5% or more ownership or beneficial interest is considered a "key person". Regardless of ownership interest, any officer, partner or director is considered a "key person". This definition also includes any individual who assumes the responsibility of an officer, owner, partner, director, etc., regardless of ownership interest.

"New Bidder" is one that has no history of performance with CDB or who has been inactive for more than 3 years. Work history is determined in accordance with Section 950.170. Bidders who are newly formed business concerns having substantially the same owners, officers, directors, or beneficiaries as a previously existing non-responsible bidder will be declared non-responsible unless the new organization can demonstrate it was not set up for the purpose of avoiding an earlier declaration of non-responsibility.

"Performance Record" consists of but is not limited to the following:

Evidence of material compliance with all CDB contract requirements as referenced.

ILLINOIS REGISTER

CAPITAL DEVELOPMENT BOARD

NOTICE OF PROPOSED AMENDMENTS

Data indicating the contractor has maintained quality workmanship and has met all contract requirements on previous contracts, private and public.

"Responsibility" is a determination made by CDB that the contractor is a responsible contractor. The determination may be made at any time prior to or following award of a contract. Because responsibility is affected by such things as financial resources, performance records, and organizational and operational factors, all of which are subject to change, the initial determination of responsibility, made through evaluation of a new or renewal application to CDB, may be changed upon receipt of additional or different information. The contractor is required to inform CDB of any significant change to the information submitted in its application. Each prospective bidder must provide the CDB with adequate documentation of responsibility. The CDB will ordinarily provide forms for this information. The CDB may supplement this information from other sources and may require additional documentation at any time. For ease of administration, the basic information generally will be garnered through the contractor/bidder responsibility application in the case of new bidders. The responsibility determination will be reviewed periodically verified annually through a renewal application unless-the-contractor-fails-to demonstrate-a-satisfactory-performance-record-with-EB7--as--evidenced by-performance-evaluations7-in-which-case-the-contractor-must-complete a--contractor/bidder--responsibility--application. CDB reserves the right to demand completion of a contractor/bidder responsibility application and supporting documents at any time. A responsibility determination will also be reviewed verified on an ongoing basis through other information, including but not limited to performance evaluations and reference contacts.

"Responsible Contractor" is a firm that:

Has adequate financial resources to perform the contract, or the ability to obtain them. This includes, but is not limited to, the ability to obtain required bonds and insurance from sureties and insurance companies acceptable to CDB.

Is able to comply with the contract requirements, considering the firm's other business obligations.

Has a satisfactory performance record.

Has a satisfactory record of integrity and business ethics.

Has the necessary organization, experience, accounting and operational controls, and technical skills, or the ability to obtain them. This includes, but is not limited to, qualified

CAPITAL DEVELOPMENT BOARD

NOTICE OF PROPOSED AMENDMENTS

supervisory personnel and a work force qualified to meet CDB contract work force requirements.

Has the necessary production, construction, and technical equipment and facilities, or the ability to obtain them.

Has a current DHR number or application pending.

Has provided all information required by the Financial Interests and Potential Conflicts of Interest Disclosure forms required by Section 50-35 of the Illinois Procurement Code [30 ILCS 500/50-35].

Is otherwise qualified and eligible to receive a contract award under applicable laws and regulations.

"Responsive Bidder" means a person or firm who has submitted a bid that conforms in all material respects to the invitation for bids. Those who submit bids which are not in conformance with the requirements of the invitation for bids will be determined to be non-responsive, which factors include, but are not limited to:

Failure to be prequalified with CDB in advance of the bid opening date adequately-demonstrate-responsibility.

Submission of a bid late, in pencil, or in a manner that reveals the bid price prior to the bid opening (e.g., by facsimile).

Submission of a bid that is not in substantial conformance with the bidding documents.

Submission of bid security that is not in substantial compliance with the requirements of the bidding documents.

(Source: Amended at 25 Ill. Reg. _____)

Section 950.160 Sources for Determining Responsibility

To determine a contractor's responsibility, CDB may utilize information obtained from one or more of the following sources. In evaluating the information, greater consideration shall be given to the contractor's most recent projects and projects with CDB.

- a) Contractor bidder responsibility and renewal application forms
- 1) New bidders applications shall at a minimum require of the contractor:

- A) Completed application form.
- B) Evidence of bonding capacity meeting CDB criteria.

CAPITAL DEVELOPMENT BOARD

NOTICE OF PROPOSED AMENDMENTS

- C) Adherence to statutory requirements.
- D) Satisfactory work history - reference checks. References obtained provided may be verified and documented by the following methods:
 - i) Telephone reference checks.
 - ii) Reference questionnaire.
- 2) Renewal applications shall at a minimum require of the contractor:
 - A) The information set out in subsection (a)(1) ~~at~~ above.
 - B) Adherence to CDB rules and resolutions.
 - C) Satisfactory CDB work and performance history, which may be documented through evaluations ~~Evaluations~~ prepared on both current and past CDB projects by the following:
 - i) CDB staff.
 - ii) Architects/engineers and consultants.
 - iii) Using agencies.
 - iv) Other contractors, subcontractors and suppliers.
 - 3) Application updates

The contractor shall have an affirmative duty to update significant information as it occurs, including but not limited to changes in ownership, change of name, change of address, change in minority/female owned firm status, loss of SOS "good standing" status, suspension or debarment by another governmental agency, decrease by more than 25% in bonding capacity, filing of bankruptcy, contract terminations, and filing of formal criminal charges against the firm or its officers, owners, or employees. Failure to disclose as required may lead to action on prequalification. (See Section 950.210(c).)
- b) Other government entities

CDB may conduct history reference checks by contacting federal, State or local governmental entities.
- c) Other sources

CDB may conduct reference checks or gather relevant information from any other source in order to determine responsibility. Acceptable sources which may include, but are not limited to:

 - 1) Surety/bonding companies
 - 2) Financial institutions
 - 3) Periodicals
 - 4) Newspapers
 - 5) Court records
 - 6) Dun and Bradstreet reports
 - 7) Audited financial statements
 - 86) Any type of public record
- d) Previous employment history

For any newly organized firm or a firm with a limited work history, CDB may conduct individual performance reference checks on any or all personnel.
- e) Additional information

CDB may request additional information from the contractor at any

CAPITAL DEVELOPMENT BOARD

NOTICE OF PROPOSED AMENDMENTS

(Source: Amended at 25 Ill. Reg. _____, effective _____)

Section 950.170 Processing of Contractor Prequalification and Bidder Responsibility and Renewal Applications

- a) New bidders and bidders nearing the prequalification expiration date must complete a contractor prequalification and bidder responsibility application, including the Financial Interests and Potential Conflicts of Interest forms required under Section 50-35 of the Illinois Procurement Code [30 ILCS 500/50-35]. Unless the applicant is a new bidder or fails to demonstrate a satisfactory performance record with EBB as evidenced by performance evaluations, the responsibility determination will be verified by a renewal application.
- b) Processing of contractor prequalification and bidder responsibility applications by CDB may require up to 45 days when the application information is complete and satisfactory and references are responsive.

c) Applications for renewal will be sent to contractors approximately 60 days before the expiration of current prequalification and are available electronically on CDB's internet site at www.cdb.state.il.us. Contractors who do not receive an application are responsible for obtaining one at least 45 days contacting EBB prior to expiration to request an application. When all information received is complete and satisfactory, processing may take up to 45 days. When any information is incomplete or unsatisfactory, a longer processing time will be required. Contractors will be notified when information is incomplete or unsatisfactory. Such applications may require up to 45 days for processing depending upon disclosure of changes of information from the last application those applications nearing the end of the 45-day processing time will be notified accordingly. Unless otherwise specified in writing by CDB, the term of prequalification shall be one year. When prequalification is granted, the contractor will be notified in writing of the expiration date, which will also be entered on CDB's electronic program. CDB may grant a shorter term of prequalification by agreement with the contractor, when a determination is made that a shorter period is justified. CDB may, in its discretion, grant a longer period of prequalification when deemed appropriate in light of recent and relevant satisfactory project performance. Updated or new contractor information including the term of prequalification will be entered on CDB's electronic program weekly. The electronic program will be capable of, among other things, sorting contractors by trade to produce lists of contractors in various trades. At the beginning of each month, a list of contractors whose prequalification expires in approximately 60 days will be generated.

CAPITAL DEVELOPMENT BOARD

NOTICE OF PROPOSED AMENDMENTS

- d) Applications may be sent to CDB by facsimile, provided that the original application is received by EBB within five business days: Applications sent by facsimile may require up to 45 days for processing.
- e) CDB shall review and evaluate each application received, which may include one or more of the following actions:
- 1) Reviewing to determine whether the application is filled out in accordance with the instructions provided.
 - 2) Contacting work references or any other possible sources of pertinent information.
 - 3) Requesting additional information from the applicant.
 - 4) Reviewing CDB contractor performance evaluations.
 - 5) Meeting with the applicant at the request of CDB or the applicant.
 - f) CDB shall deny prequalification to any firm that has not affirmatively demonstrated its responsibility. CDB's determination of responsibility shall be final.

(Source: Amended at 25 Ill. Reg. _____, effective _____)

Section 950.180 Ineligibility

A contractor, whether or not previously or currently prequalified and determined to be responsible by CDB, may be ineligible to bid under the following circumstances:

- a) The contractor fails to meet statutory or regulatory requirements other than those set out in this Part.
- b) The contractor has inadequate relevant experience in construction contracting to undertake CDB projects or a particular CDB project. In determining whether a contractor has adequate relevant experience, CDB will consider the size, type, number, and recency of past private and public contracts of the firm, its predecessors, or key persons with the firm.
- c) The contractor has inadequate resources to meet the CDB contractual work force requirements. CDB shall not make a determination of responsibility for any contractor who has the appearance of being a broker, rather than a conventional construction business. In determining whether a contractor is a broker or a firm with inadequate resources, CDB may consider one or more of the following:
 - 1) Whether the contractor maintains and works from a separate conventional office which is not a residence or offices for other businesses.
 - 2) Whether the contractor maintains a full-time office and construction staff consisting of clerical, managerial, and supervisory personnel.
 - 3) Whether key persons with the firm have an educational and work experience background that makes the key persons sufficiently expert and knowledgeable to carry out CDB construction projects.

CAPITAL DEVELOPMENT BOARD

NOTICE OF PROPOSED AMENDMENTS

- 4) Whether the contractor owns equipment, tools, machinery, materials or supplies used on construction projects.
- 5) Whether the contractor has financial resources related to or generated by the construction business.
- 6) Whether the contractor has historically subcontracted for a percentage of the work in construction contracts exceeding the requirements of CDB contracts.
- 7) Whether key persons with the firm are engaged in non-construction businesses.

(Source: Amended at 25 Ill. Reg. _____, effective _____)

SUBPART B: SUSPENSION, DEBARMENT, MODIFICATION OF ABILITY TO BID, AND CONDITIONAL PREQUALIFICATION

Section 950.200 Actions Affecting Prequalification

At any time, CDB may consider whether action should be taken concerning prequalification. Actions that may be taken include one or more of the following:

- a) Interim or Emergency Suspension or Modification CDB may summarily suspend or modify a contractor's prequalification in accordance with Section 16 of the Capital Development Board Act [20 ILCS 3105/16].
- b) Debarment CDB may debar a contractor to exclude it from bidding for CDB contracts as authorized herein or by statute. The period of debarment shall be not less than five years and may be permanent when warranted or as authorized by law.
- c) Modification of Ability to Bid CDB may modify or limit a contractor's prequalification as appropriate, including, but not limited to one or more of the following:
 - 1) Limiting the dollar amount a contractor may bid for a specified period of time, or until a current contract is substantially or fully complete.
 - 2) Limiting the number of CDB contracts a contractor may enter into for a specified period of time, or until a current contract is substantially or fully complete.
 - 3) Limiting the aggregate dollar amount of contracts the contractor may enter into, considering both public and private contracts.
 - 4) Imposing limits as set forth above pending performance on the contractor's next CDB contract(s), in instances where the contractor has no current CDB contracts.
- d) Conditional Prequalification CDB may condition prequalification (which may be otherwise limited) on the contractor's successful utilization of a management plan,

CAPITAL DEVELOPMENT BOARD

NOTICE OF PROPOSED AMENDMENTS

- evaluations, conferences, or other methods designed to achieve satisfactory performance or compliance with contract requirements.
- e) Suspension CDB may suspend a contract or disqualify a contractor temporarily from contracting with CDB, for a period of time up to five years. The contractor's failure to timely pursue administrative action as provided by Subpart D of this Part shall constitute consent of the contractor to CDB's action.

(Source: Amended at 25 Ill. Reg. _____, effective _____)

Section 950.210 Causes for Suspension, Debarment, Modification of Ability to Bid, or Conditional Prequalification

CDB may determine a contractor is not responsible and suspend, debar or otherwise modify or issue a conditional prequalification based upon one or more of the following:

- a) Failure to satisfactorily perform work on CDB contract(s), private contract(s), or other governmental contracts. (See also Section 950.220.)
- b) Breach of the terms of a CDB contract(s), private contract(s), or other governmental contract(s). (See also Section 950.220.)
- c) Making false or misleading statements, or failing to disclose or update significant information in connection with CDB procedures or documents, including but not limited to the contractor bidder responsibility application or renewal application.
- d) Violation of civil or criminal federal or State statutes or administrative rules and regulations. In the case of criminal violations, indictment or filing of formal charges by information (complaint) shall constitute adequate evidence for a determination of non-responsibility.
- e) Financial instability which may be evidenced by bankruptcy, failure to timely pay subcontractors, difficulty in obtaining acceptable bonding, attempts to assign contract proceeds, or other indications of serious business management deficiencies.
- f) Failure to understand, accept or utilize CDB procedures and standards, or abuse of CDB procedures and standards, which results in the extraordinary expenditure of CDB resources.
- g) Commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, receiving stolen property, or conduct indicating a lack of business integrity or business honesty that seriously and directly affects the present responsibility of a contractor.
- h) Suspension, debarment, or limits on bidding contracts by any other governmental body.
- i) Excessive bid withdrawls on CDB projects.
- if) Any other cause of so serious or compelling a nature that it affects

CAPITAL DEVELOPMENT BOARD

NOTICE OF PROPOSED AMENDMENTS

the present responsibility of a contractor.

(Source: Amended at 25 Ill. Reg. _____, effective _____)

Section 950.220 Failure to Satisfactorily Perform Work on or Breach of the Terms of CDB Contracts, Private Contracts, or Other Governmental Contracts

- CDB may take action upon prequalification for the contractor's failure to satisfactorily perform work on or breach of the terms of CDB contracts, private contracts, or other governmental contracts, such as, but not limited to, one or more of the following:
- a) Failure to timely submit proper post-award documents, such as, but not limited to, bonds, certificates of insurance, and MBE/FBE subcontractor/supplier certifications.
 - b) Failure to attend or to be properly prepared for pre-construction meetings, pay/progress meetings, or other required meetings set by the project A/E, CDB, or the coordinating contractor.
 - c) Failure to timely provide schedule submittals or shop drawings.
 - d) Failure to meet the project schedule for any reason reasonably within the control of the contractor.
 - e) Failure to provide an acceptable quality of supervision.
 - f) Failure to provide a supervisor authorized to make timely field decisions on behalf of the firm.
 - g) Failure to provide sufficient manpower.
 - h) Failure to timely provide acceptable quality equipment, labor, materials, installation, subcontractors or suppliers, including the failure to provide licensed personnel when necessary.
 - i) Failure to keep updated as-builds in the field.
 - j) Failure to follow directives provided by the project A/E or CDB within the scope of the contract documents.
 - k) Failure to cooperate with other parties to the project to timely resolve project problems that arise.
 - l) Failure to understand, accept or utilize CDB procedures and standards, or abuse of CDB procedures and standards that results in paper delays, project delays, or the extraordinary expenditure of CDB resources.
 - m) Failure to provide timely and appropriate pay request documents, including, but not limited to, the Contractor's Schedule of Values form (CSV), Contractor's Affidavit and Sworn Statement form (CSS), and lien waivers.
 - n) Failure to timely submit Requests for Proposals and Change Order documents (RFP/CO), including, but not limited to, adequate documentation of actual direct costs and pricing within conventional industry parameters for public contracts.
 - o) Failure to timely complete punch list items and contract close-out documents.
 - p) Failure to demonstrate good faith efforts to meet Fair Employment Practices (FEP) requirements and MBE/FBE goals.

CAPITAL DEVELOPMENT BOARD

NOTICE OF PROPOSED AMENDMENTS

(Source: Added at 25 Ill. Reg. _____, effective _____)

Section 950.230 Interim or Emergency Suspension or Modification Pursuant to Section 16 of the Capital Development Board Act

- CDB may suspend or modify a contractor's prequalification without a prior hearing, or administrative procedure provided in Subpart D, for one or more of the following causes:
- 1) The public interest, safety or welfare requires such suspension or modification.
 - a) The filing of an indictment or of formal charges by information (complaint) charging the firm or a key person with the firm with a crime.
 - b) Suspension or modification of a license or prequalification by another State agency, federal agency or other branch of government after hearing or by agreement.
 - c) Failure to comply with applicable laws, including, but not limited to, the Minority and Female Business Enterprise Act [30 ILCS 575], the Prevailing Wage Act [820 ILCS 130], the Steel Products Procurement Act [530 ILCS 565], and requirements relating to occupational licensing.
 - d) Material breach of a contract, including, but not limited to, one or more of the causes set forth in Section 950.220.
 - e) Failure to satisfactorily perform work on or breach of a CDB contract, including, but not limited to, one or more of the causes set forth in Section 950.220, when:
 - i) The issue has been brought to the attention of firm management in writing;
 - ii) All levels of CDB construction administration have met with firm representatives and discussed the issue;
 - iii) CDB conveys to the contractor what action or nonaction is necessary and in accordance with the contract documents;
 - iv) CDB has initiated contractual remedies as may be appropriate, such as, but not limited to, stopping the work, rejecting the work, carrying out the work, or ordering acceleration of the work; and
 - v) The contractor willfully and unreasonably refuses to comply or to obtain subcontractors, personnel, or other resources that would enable it to comply.
 - 2) When prequalification is suspended or modified pursuant to this Section, the contractor will be notified in writing and, within 30 days after the notice, CDB will commence administrative procedures under Subpart D.
 - a) When prequalification is suspended or modified pursuant to subsection (a)(2)(E), if the contractor cures the situation within 30 days after
 - b) When prequalification is suspended or modified pursuant to subsection (a)(2)(E), if the contractor cures the situation within 30 days after

CAPITAL DEVELOPMENT BOARD

NOTICE OF PROPOSED AMENDMENTS

the notice, the suspension or modification will be rescinded by written notice. If CDB determines the contractor is making substantial progress toward a cure within 30 days after the notice, CDB may extend in writing the 30-day period by an amount up to an additional 60 days. If the contractor cures the situation within the extended time period, the suspension or modification will be rescinded by written notice. In any case, when the suspension or modification is rescinded, it will be removed from the contractor's prequalification record. If the contractor fails to cure the situation within 30 days or within the time extension, whichever is applicable, CDB will immediately commence administrative procedures under Subpart D.

(Source: Added at 25 Ill. Reg. _____, effective)

Section 950.240 Denial of Prequalification

a) This Section is applicable to contractors who are one of the following:

- 1) First-time applicants for CDB prequalification.
- 2) Firms who sent a renewal application that arrived at CDB after the prequalification expiration date or could not reasonably be processed before the expiration date.

3) Firms who sent a renewal application that was incomplete or insufficient, so that CDB could not reasonably process the application before the expiration date.

b) Contractors categorized above will be considered to be new applicants to CDB. In the event that CDB denies prequalification or grants a conditional or modified prequalification, the contractor may request administrative procedures under Subpart D, but shall not be entitled to an administrative hearing.

(Source: Added at 25 Ill. Reg. _____, effective)

SUBPART C: APPLICATION OF CDB ACTION

Section 950.310 Violation of CDB Order

When a contractor works as a subcontractor on a CDB project in violation of Section 950.300, continues to submit bids on CDB projects when prohibited, or otherwise violates terms or conditions imposed by CDB, CDB may extend the term of suspension, debarment, nullification, modification, or conditional prequalification, or otherwise suspend, limit or condition the ability to bid on contracts with CDB.

(Source: Amended at 25 Ill. Reg. _____, effective)

CAPITAL DEVELOPMENT BOARD

NOTICE OF PROPOSED AMENDMENTS

the notice, the suspension or modification will be rescinded by written notice. If CDB determines the contractor is making a prequalification application to CDB following a denial, or during or following a period of debarment, suspension, nullification, modification of ability to bid, or conditional prequalification, the contractor must affirmatively demonstrate its responsibility, including demonstrating that the reason for the denial, or imposition of suspension, debarment, nullification, modification, or condition, has been remedied.

(Source: Amended at 25 Ill. Reg. _____, effective)

Section 950.360 Extension of CDB Action

The effect of action imposed by CDB will extend to all affiliates, branches, subsidiaries, divisions, or parent firms of the contractor, and to any firm in which the contractor or its key persons have a legal or beneficial interest, unless CDB determines otherwise in writing.

(Source: Amended at 25 Ill. Reg. _____, effective)

SUBPART D: PROCEDURES

Section 950.400 Review

When information which places a contractor's responsibility and prequalification in question comes to CDB's attention, CDB shall review the facts and documentation. If further inquiry is desirable, it may do such further inquiry, which may result in an informal conference with the contractor and its appropriate staff members with CDB. If such conference is intended by CDB to be the first step in the administrative process, written notice will be sent pursuant to Section 950.410. The contractor's failure to appear at the conference shall be construed to indicate the contractor does not wish to contest the matter and rights to further administrative procedures shall be forfeited.

(Source: Amended at 25 Ill. Reg. _____, effective)

Section 950.410 Conference

Unless proceedings under Section 16 of the CDB Act [20 ILCS 3105/16] are justified, prior to suspending, conditioning, modifying or nullifying a contractor's prequalification or debarring a contractor, CDB will notify the contractor in writing of its intention to take such action and the basis of the

CAPITAL DEVELOPMENT BOARD

NOTICE OF PROPOSED AMENDMENTS

action, and will request that the contractor attend an informal conference with CDB personnel.

When requesting a conference with a contractor, CDB's letter shall request that the contractor bring to the conference any documents, personnel, or other information pertinent to responsibility that it wishes for CDB to consider. The contractor may bring its attorney to the conference, if desired. Within a reasonable time in advance of the conference, CDB shall furnish the contractor with all information in its possession that it deems pertinent to the responsibility and prequalification issue, and shall further advise the contractor in writing that it has the right to inspect its prequalification file.

(Source: Amended at 25 Ill. Reg. _____, effective _____)

Section 950.440 Hearings Final-Consideration

Within 30 days after the contractor's receipt of the Executive Director's decision on the request for reconsideration, the contractor may request a hearing in writing. All administrative procedures in this Subpart D must be exhausted before CDB will consider the request for a hearing. Hearings shall be conducted in accordance with Hearing Procedures (71 Ill. Adm. Code 100).
Following-the-completion-by-the-contractor-of-procedures--in--Sections--950-410 and-950-430--of--this--Part7--any--contractor--whose-prequalification-has-been denied--suspended--debarred--conditioned--modified--or-limited--by-CDB may-petition--the--Capital--Development--Board--for--a--final--consideration--before--the Board--of--the--Executive--Directors--decision--.--The--petition--for--final consideration--shall--be--in--writing--and--shall--be--submitted--within--15--days--after the--contractor's--receipt--of--the--Executive--Director's--decision--on--the--request for--reconsideration--.--The--petition--shall--state--the--issues--the--contractor--wishes to--bring--before--the--Board--shall--contain--a--brief--statement--of--the--contractor's position--on--each--issue7--and--shall--include--as--attachments--all--documentary supporting--evidence--the--contractor--wishes--for--the--Board--to--consider--.--The petition--shall--be--heard--at--the--Board's--next--regularity--scheduled--meeting--provided--the--meeting--is--at--least--20--days--from--the--date--CDB--receives--the contractor's--petition--.--The--contractor--shall--appear--at--the--meeting--and--present its--case--in--an--informal--manner--to--the--Board--and--may--be--assisted--by--an--attorney or--other--persons--as--desired--.--The--individual--Board--members--may--ask--questions--as appropriate--.--Minutes--of--the--proceeding--shall--be--taken--.--The--Board--will--issue its--decision--within--30--days--after--the--proceedings--.

- 1) Heading of the Part: Prequalification of Architects and Engineers

2) Code Citation: 44 Ill. Adm. Code 980

3) Section Numbers: Proposed Action:

980.120	Amendment
980.160	Amendment
980.170	Amendment
980.200	Amendment
980.300	Amendment
980.310	Amendment
980.330	New Section
980.340	New Section
980.350	New Section
980.400	Amendment
980.410	Amendment
980.440	Amendment
980.450	Amendment
980.460	New Section
980.470	Amendment
980.510	Amendment
980.520	Amendment
980.530	Amendment

4) Statutory Authority: Implementing the Capital Development Board Act [2011 ILCS 3105] and authorized by Section 16 of that Act, Sections 5-25 and 30-20 of the Illinois Procurement Code [30 ILCS 5001], and Section 20 of the Architectural, Engineering, and Land Surveying Qualifications Selection Act [30 ILCS 535].

5) A Complete Description of the Subjects and Issues Involved: Statutory interim or emergency suspension or modification of prequalification; examples of performance deficiencies that may be the basis for CDB action on prequalification; denial of prequalification that is not a suspension; CMS financial and conflict of interest disclosure form; exhaustion of administrative remedies; applications forms on CDB Internet site; termination of contracts upon a finding of nonresponsibility.

6) Will this proposed amendment replace an emergency amendment current in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this proposed amendment contain incorporation by reference? No

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: This amendment does not create

CAPITAL DEVELOPMENT BOARD

NOTICE OF PROPOSED AMENDMENTS

or expand a state mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)].

- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: From the date that this notice first appears in the Illinois Register, for a period of 45 days thereafter, interested persons may submit comments, in writing, to:

Claire Gibson, Deputy Chief Counsel
Capital Development Board
3rd Floor Wm. G. Stratton Bldg.
Springfield, Illinois 62706
217/782-1392

- ### 1.3) Initial Population Flexibility Analysis:

- A) Types of small businesses, small municipalities and not for profit corporation affected: Small architecture or engineering firms.

B) Reporting, bookkeeping or other procedures required for compliance:
None

- MANN

- 13) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included in either of the 2 most recent regulatory agendas because: The need for filing these amendments was not anticipated at that time.

The full text of the Proposed Amendments begins on the next page:

Section	Purpose
980.110	
980.120	Definitions
980.130	Prequalification Required
980.140	Special Projects
980.150	Confidentiality
980.160	Sources for Determining Responsibility
980.170	Department of Professional Regulation Action
980.180	prequalification of Firms and Office Locations
980.190	Trade Codes and Profile Codes
980.200	Processing of Architect-Engineer Prequalification Application
980.210	Ineligibility (Repealed)
	SUBPART B: SUSPENSION, DEBARMENT, MODIFICATION OF PREQUALIFICATION, AND CONDITIONAL PREQUALIFICATION
Section	Actions Affecting Responsibility and Prequalification
980.300	Causes for Suspension, Debarment, Modification of Prequalification,
980.310	and Conditional Prequalification
980.320	Nullification of Prequalification
980.330	Failure to Satisfactorily Perform Work on or Breach of the Terms of CDB Contracts, Private Contracts, or Other Governmental Contracts
980.340	Interim or Emergency Suspension or Modification Pursuant to Section 16 of the Capital Development Board Act
980.350	Denial of Prequalification

GENERAL INFORMATION ON CDB ACTION

Section	General 980.400	Violation of CDB Order 980.410	Denial of Award of Contract 980.420	Debarment 980.430	Reapplication for Prequalification 980.440	Extension of CDB Action 980.450	Effect on Current Contracts if Repealed 980.460	Basis of Decisions 980.470	Supplement 980.480
---------	--------------------	-----------------------------------	--	----------------------	---	------------------------------------	--	-------------------------------	-----------------------

CAPITAL DEVELOPMENT BOARD

NOTICE OF PROPOSED AMENDMENTS

SUBPART D: PROCEDURES

"Parent Office" means the primary location of the A/E's place of business.

Section 980.500 Review
 980.510 Notice of CDB Action
Executive Director Decision and Request for Reconsideration
 980.520 Hearings
 980.530 Burden of Proof

AUTHORITY: Implementing the Capital Development Board Act [20 ILCS 3105] and authorized by Section 16 of that Act.

SOURCE: Adopted at 2 Ill. Reg. 30, p. 140, effective July 27, 1978; amended at 4 Ill. Reg. 9, p. 233, effective February 14, 1980; amended at 5 Ill. Reg. 1890, effective February 17, 1981; amended and codified at 8 Ill. Reg. 20317, effective October 1, 1984; amended at 9 Ill. Reg. 17329, effective October 29, 1985; amended at 12 Ill. Reg. 20446, effective November 29, 1988; Part repealed, new Part adopted at 22 Ill. Reg. 1154, effective January 1, 1998; amended at 22 Ill. Reg. 20026, effective November 9, 1998; amended at 24 Ill. Reg. 6663, effective April 17, 2000; amended at 25 Ill. Reg. _____, effective _____.

SUBPART A: RESPONSIBILITY

Section 980.120 Definitions

The following definitions shall apply to this Part:

"A/E" means an individual or firm in the business of providing architectural, engineering or land surveying services as authorized by the State of Illinois Department of Professional Regulation (DPR). Licensed individuals shall be registered with DPR as sole proprietors. Firms and corporations shall be registered with DPR.

"CDB" means the Capital Development Board, the agency.

"Consultant" means a firm or individual who will perform a portion of the contract or assist the A/E in its performance of the contract under a contract with the A/E.

"Contract or Contract Requirements" consist of any and all provisions of the CDB Professional Services Agreement (PSA).

"Office Location" means all locations at which the A/E provides professional services under the license granted by the Department of Professional Regulation and that are under the responsibility of the managing agent for that license.

CAPITAL DEVELOPMENT BOARD

NOTICE OF PROPOSED AMENDMENTS

"Key Person" means any individual who holds 5% or more ownership interest in the firm. In the event the firm is owned by another corporation, partnership, trust or business association, any individual within that organization or who is a trust beneficiary who holds a 5% or more ownership or beneficial interest is considered a "key person". Regardless of ownership interest, any officer, partner, managing agent or director is considered a "key person". This definition also includes any individual who assumes the responsibility of an officer, owner, partner, director, etc., regardless of ownership interest.

"Performance Record" consists of, but is not limited to, the following:

Evidence of material compliance with all CDB contract requirements.

Data indicating the A/E has met all contract requirements on previous contracts, private and public.

"Prequalification" is the status granted by CDB to responsible A/Es that permits them to make submittals on CDB projects or be awarded a CDB contract.

"Profile Codes" means branches of knowledge or expertise of architectural or engineering practice that may be provided by firms and that are listed on CDB's A/E prequalification application. "Responsibility" is a determination made by CDB that the A/E is a responsible A/E. The determination may be made at any time. Because responsibility is affected by such things as financial resources, performance records, and organizational and operational factors, all of which are subject to change, the initial determination of responsibility, made through evaluation of an application to CDB, may be changed upon receipt of additional or different information. The A/E is required to inform CDB of any significant change to the information submitted in its application. Each A/E must provide CDB with adequate documentation of responsibility. CDB will ordinarily provide forms for this information. CDB may supplement this information from other sources and may require additional documentation at any time. A responsibility determination may also be verified on an ongoing basis through other information, including but not limited to performance evaluations and reference contacts.

"Responsible A/E" is a firm that:

CAPITAL DEVELOPMENT BOARD

NOTICE OF PROPOSED AMENDMENTS

Is able to comply with the contract requirements, considering the firm's other business obligations.

Has a satisfactory performance record.

Has a satisfactory record of integrity and business ethics.
Has the necessary organization, experience, accounting and operational controls, and technical skills.

Has provided all information required by the Financial Interest and Potential Conflicts of Interest Disclosure forms required under Section 50-35 of the Illinois Procurement Code [30 ILCS 500/50-35].

IS otherwise qualified and eligible to receive a contract award under applicable laws and regulations.

"Codes" means the professional practice in which the individual licensed, or the firm is registered, by DPR to practice and, for all engineering licenses, any area of specialty within that practice.

(Source: Amended at 25 Ill. Reg. _____, effective _____)

Sectio[n] 900 150 500 500 Datormedia Bozeman 147

To determine an A/E's responsibility, CDB may utilize information obtained from one or more of the following sources. In evaluating the information, greater consideration shall be given to the A/E's most recent projects and projects with CDR.

- A/E prequalification application form.

 - 1) A/E applications shall require at a minimum:
 - A) Completed application form;
 - B) The disclosure of the name of each key person associated with the firm, and their respective percentage of ownership;
 - C) Work experience relevant to the type of practice and profile codes requested;
 - D) Copies of the individual licenses for sole ownership firms transacting business under the individual's real name and applicable professional design firm registration with the Department of Professional Regulation for all firms;

CAPITAL DEVELOPMENT BOARD

NOTICE OF PROPOSED AMENDMENTS

E) Certification of compliance with statutory requirements; Work history reference checks. References obtained provided may be verified and documented by the following methods:

- i) Telephone reference checks; or
- ii) Reference questionnaire; and

G) CDB work history, if CDB projects have been awarded.

The A/E shall have an affirmative duty to update significant information within 10 days after occurrence. Failure to disclose as required may lead to action on prequalification. (See Section 980.310(c).) Significant changes, of which CDB shall be notified, include, but are not limited to:

- A) Change of entity corporate structure, including sole owners, partnerships, and federal employee identification number;

(B) Change of name;
(C) Change of address;
(D) Change or loss of personnel in areas that may affect the types of professional practice or profile codes that may have been granted;

- (E) Minority/Female owned firm status;
- (F) Change or initiation of hearing in licensure or registration status with the Department of Professional Regulation;
- (G) Loss of Secretary of State "good standing" status;
- (H) Filing of bankruptcy;
- (I) Filing of formal criminal charges against the firm or its officers, owners or employees;
- (J) Suspension or debarment by another governmental agency; and

(K) Contract terminations.
factory CDB work history
any review documentation of the A/E's current and past work and
performance history, including adherence to CDB's rules, resolutions,
and guidelines.

State may conduct history reference checks by contacting Federal, State agencies, or
or contractors.

- d) Other sources
In order to determine responsibility, CDB may conduct reference checks or gather relevant information from any other source, which may include, but is not limited to:

 - 1) Financial institutions;
 - 2) Periodicals;
 - 3) Newspapers;
 - 4) Court records; and
 - 5) Dun and Bradstreet reports;
 - 6) Audited financial statements;
 - 7) Any type of public record.

CAPITAL DEVELOPMENT BOARD

NOTICE OF PROPOSED AMENDMENTS

- e) Previous employment history for any newly organized firm or a firm with a limited work history, CDB may conduct individual performance reference checks on any or all personnel.
- f) Additional information CDB may request additional information from the A/E at any time.

(Source: Amended at 25 Ill. Reg. _____, effective _____)

Section 980.170 Department of Professional Regulation Action

- a) Firms prequalified with CDB shall notify CDB in writing within 10 working days when the Department of Professional Regulation initiates proceedings to refuse to renew, suspend or revoke the registration or license of any individual or firm, or to impose any other disciplinary sanction.
- b) Upon notification, prequalification will be reviewed and appropriate action taken under Subpart B. In addition, if it is found that notice was not provided as required, CDB may take action under Subpart B.

(Source: Amended at 25 Ill. Reg. _____, effective _____)

Section 980.200 Processing of Architect-Engineer Prequalification Application

- a) A/Es must complete a prequalification application, including the Financial Interest and Potential Conflicts of Interest forms required under Section 50-35 of the Illinois Procurement Code [30 ILCS 500/50-35].
- b) Processing of applications by CDB may require up to 45 days after receipt of all requested information and a completed application.
- c) Applications for renewal will ordinarily be sent to the A/Es approximately 60 days before the expiration of current prequalification and are available electronically on CDB's Internet site at www.cdb.state.il.us. A/Es who do not receive an application are responsible for obtaining one at least 45 days ~~contacting-EBB prior to expiration to-request-an-application~~. When all information received is complete and satisfactory, processing may take up to 45 days. When any information is incomplete or unsatisfactory, a longer processing time will be required. A/Es will be notified when information is incomplete or unsatisfactory. Unless otherwise specified in writing by CDB, the term of prequalification shall be two years from the end of the month the prequalification begins. When prequalification is granted, the A/E will be notified in writing of the expiration date, which will also be entered on CDB's electronic program. CDB may grant a shorter term of prequalification by

CAPITAL DEVELOPMENT BOARD

NOTICE OF PROPOSED AMENDMENTS

- agreement with the A/E, when a determination is made that a shorter period is justified, or when a special prequalification is developed specifically for a certain project. Updated or new A/E information including the term of prequalification will be entered on CDB's electronic program weekly. The electronic program will be capable of, among other things, sorting A/Es by profile code to produce lists of A/Es in various profile codes. At the beginning of each month, a list of A/Es whose prequalification expires in approximately 60 days will be generated.

- d) ~~original-application-is-received-by-EBB-within-five-business-days.~~
 e) CDB shall review and evaluate each application received, which may include one or more of the following actions:
- 1) Reviewing to determine whether the application is filled out in accordance with the instructions provided;
 - 2) Contacting work references or any other possible sources of pertinent information;
 - 3) Requesting additional information from the applicant;
 - 4) Reviewing CDB A/E performance evaluations; and
 - 5) Meeting with the applicant at the request of CDB or the applicant.
- f) CDB shall deny prequalification status to any firm that has not affirmatively demonstrated its responsibility. CDB's determination of responsibility on-an-application-for-prequalification shall be final.

An-individual-or-firm-may-not-submit-a-new-or-revised-application-for-prequalification-within-100-days-after-any-denial-of-an-application.

(Source: Amended at 25 Ill. Reg. _____, effective _____)

SUBPART B: SUSPENSION, DEBARMENT, MODIFICATION OF PREQUALIFICATION, AND CONDITIONAL PREQUALIFICATION

- Section 980.300 Actions Affecting Responsibility and Prequalification**
- (Source: Amended at 25 Ill. Reg. _____, effective _____)
- Section 980.300 Actions Affecting Responsibility and Prequalification**
- a) Interim or Emergency Suspension or Modification CDB may summarily suspend or modify an A/E's prequalification in accordance with Section 16 of the Capital Development Board Act [20 ILCS 3105/16].
- b) Debarment CDB may debar an A/E to exclude it from making submittals for CDB contracts as authorized by statute. The period of debarment shall be not less than five years and may be permanent when warranted or as authorized by law [20 ILCS 3105/16].
- c) Modification of Prequalification

CAPITAL DEVELOPMENT BOARD

NOTICE OF PROPOSED AMENDMENTS

CDB may modify or restrict an A/E's prequalification as appropriate, including, but not limited to, one or more of the following:

- 1) Limiting the size or type of contracts for which an A/E may submit proposals for a specified period of time, or until a current contract is substantially or fully complete.
- 2) Limiting the number of CDB contracts an A/E may enter into for a specified period of time, or until a current contract is substantially or fully complete.
- 3) Limiting the aggregate dollar amount of contracts the A/E may enter into with CDB.
- 4) Imposing limits as set forth above pending performance on the A/E's next CDB contract(s) in instances where the A/E has no current CDB contracts.

- d) Conditional Prequalification
CDB may condition prequalification (which may be otherwise limited) on the A/E's successful utilization of a management plan, evaluations, conferences, or other methods designed to achieve satisfactory performance or compliance with contract requirements.

- e) Suspension
CDB may suspend an A/E firm or disqualify an A/E firm temporarily from submitting with CDB, for a period of time up to five years. The A/E's failure to timely pursue administrative action as provided by Subpart D of this Part shall constitute consent of the A/E to CDB's action.

- (Source: Amended at 25 Ill. Reg. _____, effective _____)

Section 980.310 Causes for Suspension, Debarment, Modification of Prequalification, and Conditional Prequalification

CDB may determine an A/E is not responsible and suspend, debar or otherwise modify a prequalification or issue a conditional prequalification based upon one or more of the following:

- a) Failure to satisfactorily perform work on CDB contract(s), private contract(s), or other governmental contract(s). (See also Section 980.330.)
- b) Breach of the terms of a CDB contract(s), private contract(s), or other governmental contract(s). (See also Section 980.330.) Breach of a CDB contract includes but is not limited to:
 - 1) Failure to submit required documents and drawings according to the project schedule causing a delay in the commencement, completion or close out of a project;
 - 2) Failure to adhere to quality standards of the applicable profession or required codes and standards for a particular type of construction so that the public health and safety are jeopardized by unsafe buildings;
 - 3) Failure to perform supervisory and observer functions as specified in the contract;

CAPITAL DEVELOPMENT BOARD

NOTICE OF PROPOSED AMENDMENTS

4) Failure-to-notify---EBB---of---problems---with---any---projectss---which failure---results---in---time---delays---or---an-increase---in---cost---of---the project:

- c) Making false or misleading statements or failing to disclose or update significant information in connection with CDB procedures or documents, including but not limited to the prequalification application.
- d) Violation of civil or criminal Federal or State statutes or administrative rules and regulations. In the case of criminal violations, indictment or filing of formal charges by information (complaint) shall constitute adequate evidence for a determination of non-responsibility.
- e) Financial instability which may be evidenced by bankruptcy, failure to timely pay consultants, difficulty in obtaining acceptable insurance, attempts to assign contract proceeds, or other indications of serious business management deficiencies.
- f) Failure to understand, accept or utilize CDB procedures and standards, or abuse of CDB procedures and standards, which results in the extraordinary expenditure of CDB resources.
- g) Commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, receiving stolen property, or conduct indicating a lack of business integrity or business honesty that seriously and directly affects the present responsibility of an A/E.
- h) Suspension, debarment, or limits on contracts by any other governmental body.
- i) Failure to be properly licensed or registered with the Department of Professional Regulation (DPR), being the subject of disciplinary sanctions by DPR, or the subject of initiation of proceedings by DPR to refuse to renew, suspend or revoke the registration or license of the A/E, or to impose any other disciplinary sanction.
- j) Any other cause of so serious or compelling a nature that it affects the present responsibility of an A/E.

(Source: Amended at 25 Ill. Reg. _____, effective _____)

Section 980.330 Failure to Satisfactorily Perform Work on or Breach of the Terms of CDB Contracts, Private Contracts, or Other Governmental Contracts

- CDB may take action upon prequalification for the A/E's failure to satisfactorily perform work on or breach of the terms of CDB contracts, private contracts, or other governmental contracts, such as, but not limited to, one or more of the following:
- a) Failure to timely submit required documents and drawings, including record drawings according to the project schedule causing a delay in the commencement, completion or close out of a project;
 - b) Failure to adequately or timely respond to technical review comments

CAPITAL DEVELOPMENT BOARD

NOTICE OF PROPOSED AMENDMENTS

- and directions.
- c) Failure to adhere to contractual document requirements.
- d) Failure to adequately or timely notify CDB of project problems or failure to cooperate with other parties to the project to timely resolve problems.
- e) Failure to timely or adequately resolve design issues.
- f) Failure to timely or adequately submit budget and estimating documents.
- g) Failure to meet quality standards of the applicable profession or required codes and standards for a particular type of construction.
- h) Failure to provide proper field administration and observer services.
- i) Failure to provide proper personnel or proper and timely responses to requests for information in the field.
- j) Failure to provide timely and adequate record drawings.
- k) Failure to meet contractual design schedule dates.
- l) Failure to timely process change orders and contractor pay requests.
- m) Failure to follow directives from CDB within the scope of the contract documents.
- n) Failure to attend or to be properly prepared for project meetings.
- o) Failure to understand, accept or utilize CDB procedures and standards or abuse of CDB procedures and standards that results in paper delays, project delays, or the extraordinary expenditure of CDB resources.
- p) Failure to submit proper pay or modification requests, in accordance with the contractual provisions, with adequate documentation of costs and pricing within conventional industry parameters for public contracts.

(Source: Added at 25 Ill. Reg. _____, effective _____)

Section 980.340 Interim or Emergency Suspension or Modification Pursuant to Section 16 of the Capital Development Board Act

- a) CDB may suspend or modify an A/E's prequalification without a prior hearing or administrative procedure provided in Subpart D, for one or more of the following causes:
- 1) The public interest, safety or welfare requires such suspension or modification.
 - 2) An event or series of events including, but not limited to:
 - A) The filing of an indictment or of formal charges by information (complaint) charging the firm or a key person with the firm with a crime.
 - B) Suspension or modification of a license or prequalification by another State agency, federal agency or other branch of government after hearing or by agreement.
 - C) Failure to comply with applicable laws.
 - D) Material breach of a contract, including, but not limited to, one or more of the causes set forth in Section 980.330.

CAPITAL DEVELOPMENT BOARD

NOTICE OF PROPOSED AMENDMENTS

- E) Failure to satisfactorily perform work on or breach of a CDB contract, including, but not limited to, one or more of the causes set forth in Section 980.330 when:
- i) The issue has been brought to the attention of firm management in writing;
 - ii) All levels of CDB construction administration have met with firm representatives and discussed the issue;
 - iii) CDB conveys to the A/E what action or nonaction is necessary and in accordance with the contract documents;
 - iv) The A/E willfully and unreasonably refuses to comply or to obtain consultants, personnel, or other resources that would enable it to comply.
- b) When prequalification is suspended or modified pursuant to this Section, the A/E will be notified in writing and, within 30 days after the notice, CDB will commence administrative procedures under Subpart D.
- c) When prequalification is suspended or modified pursuant to subsection (a)(2)(E), if the A/E cures the situation within 30 days after the notice, the suspension or modification will be rescinded by written notice to the A/E. If CDB determines the A/E is making substantial progress toward a cure within 30 days after the notice, CDB may extend in writing the 30-day period by an amount up to an additional 60 days. If the A/E cures the situation within the extended time period, the suspension or modification will be rescinded by written notice. In any case, when suspension or modification is rescinded, it will be removed from the A/E's prequalification record. If the A/E fails to cure the situation within 30 days or within the time extension, whichever is applicable, CDB will immediately commence administrative procedures under Subpart D.

(Source: Added at 25 Ill. Reg. _____, effective _____)

Section 980.350 Denial of Prequalification

- a) This Section is applicable to A/Es who are one of the following:
- 1) First-time applicants for CDB prequalification.
 - 2) Firms who sent a renewal application that arrived at CDB after the prequalification expiration date or could not reasonably be processed before the expiration date.
 - 3) Firms who sent a renewal application that was incomplete or insufficient, so that CDB could not reasonably process the application before the expiration date.
- b) A/Es categorized above will be considered to be new applicants to CDB.
- In the event that CDB denies prequalification or grants a conditional or modified prequalification, the A/E may request administrative procedures under Subpart D, but shall not be entitled to an

CAPITAL DEVELOPMENT BOARD

NOTICE OF PROPOSED AMENDMENTS

administrative hearing.

(Source: Amended at 25 Ill. Reg. _____, effective _____)

SUBPART C: APPLICATION OF CDB ACTION

Section 980.400 General

Suspension, debarment, nullification of prequalification, modification of prequalification, or issuance of conditional prequalification, or denial of prequalification by CDB is applicable to an A/E's direct contracts with CDB and any consultant subcontracts on other contracts on CDB projects, unless CDB determines otherwise in writing.

(Source: Amended at 25 Ill. Reg. _____, effective _____)

Section 980.410 Violation of CDB Order

If an A/E is subject to a CDB order suspending or debarring the A/E, or nullifying or modifying prequalification, or making prequalification conditional, or denying prequalification, and the A/E violates the order in any manner, including but not limited to continuing to make submittals on CDB projects, or working as a subcontracted consultant on a CDB project, CDB may extend the term of suspension, debarment, nullification, modification or conditional prequalification, or otherwise limit or condition the ability to make submittals on contracts with CDB.

(Source: Amended at 25 Ill. Reg. _____, effective _____)

Section 980.440 Reapplication for Prequalification

When an A/E submits a prequalification application to CDB following a denial, or during or following a period of debarment, suspension, nullification, modification of prequalification, or conditional prequalification, the A/E must affirmatively demonstrate its responsibility, including demonstrating that the reason for the denial, or imposition of suspension, debarment, nullification, modification, or condition, has been remedied.

(Source: Amended at 25 Ill. Reg. _____, effective _____)

Section 980.450 Extension of CDB Action

The effect of an action imposed under this Subpart by CDB will may extend to all office locations of the A/E and to any firm in which the A/E or its key personnel.

CAPITAL DEVELOPMENT BOARD

NOTICE OF PROPOSED AMENDMENTS

persons have a legal or beneficial interest, unless CDB determines otherwise in writing.

(Source: Added at 25 Ill. Reg. _____, effective _____)

Section 980.460 Effect on Current Contracts ~~(Repealed)~~

Current CDB contracts may be terminated when an A/E is determined to be non-responsible and it is in the public interest to do so, whether or not the non-responsibility has a direct connection with the current contract. Contracts may be terminated with or without further action on the A/E's prequalification.

(Source: Old Section repealed at 24 Ill. Reg. 6663, effective April 17, 2000; new Section added at 25 Ill. Reg. _____, effective _____)

Section 980.470 Basis of Decisions

a) CDB shall make determinations as appropriate concerning the substance of an A/E's business as opposed to its form and base its decisions on the substance. When an A/E attempts to evade the effects of a possible or actual finding of non-responsibility by changes of address, multiple addresses, changes in personnel or their titles, formation of new companies, or by other devices, CDB may take action pursuant to Section 980.300 and Subparts B and Subpart C of this Part.

b) A/Es who are newly formed business concerns having substantially the same owners, officers, directors, or beneficiaries as a previously existing non-responsible firm will be declared non-responsible unless the new organization can demonstrate it was not set up for the purpose of avoiding an earlier declaration of non-responsibility.

(Source: Amended at 25 Ill. Reg. _____, effective _____)

SUBPART D: PROCEDURES

Section 980.510 Notice of CDB Action

Unless proceedings under Section 16 of the CDB Act [20 ILCS 3105/16] are justified, prior to suspending, conditioning, modifying or nullifying an A/E's prequalification or barring an A/E, CDB will notify the A/E in writing by certified-mail of its intention to take such action and the basis of the action, and will request that the A/E attend an informal conference with CDB personnel. The A/E may bring to the conference any documents, personnel, or other pertinent information that it wishes for CDB to consider. The A/E may

CAPITAL DEVELOPMENT BOARD

NOTICE OF PROPOSED AMENDMENTS

bring its attorney to the conference, if desired. Within a reasonable time in advance of the conference, CDB shall furnish the A/E with all pertinent information in its possession that it deems pertinent and shall advise the A/E in writing that it has the right to inspect its prequalification file. Further conferences may be scheduled by agreement of CDB and the A/E. The A/E's failure to appear at the conference shall be construed to indicate the A/E does not wish to contest the matter and rights to further administrative proceedings shall be forfeited.

(Source: Amended at 25 Ill. Reg. _____, effective _____)

Section 980.520 Executive Director Decision and Request for Reconsideration

Following CDB's conference with the A/E, the conference committee shall forward a recommendation to the Executive Director. The A/E will be notified in writing of the Executive Director's decision. Within 15 days after receipt of the Executive Director's decision, the A/E may request the Executive Director's reconsideration in writing, including as attachments any and all supporting evidence not previously submitted. CDB shall respond to the request for reconsideration within 15 days after CDB's receipt.

(Source: Amended at 25 Ill. Reg. _____, effective _____)

Section 980.530 Hearings

Within 30 days after the A/E's receipt of the Executive Director's decision on 7--or--the--decision--upon reconsideration if--applicable, the A/E may request a hearing in writing. All administrative procedures in this Subpart D must be exhausted before CDB will consider the request for a hearing. Hearings shall be conducted in accordance with Hearing Hearings Procedures [71 Ill. Adm. Code 100].

(Source: Amended at 25 Ill. Reg. _____, effective _____)

CAPITAL DEVELOPMENT BOARD

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Selection of Architects/Engineers (A/E)
- 2) Code Citation: 44 Ill. Adm. Code 1000
- 3) Section Numbers: Proposed Action:
1000.170
Amendment
- 4) Statutory Authority: Implementing the Capital Development Board Act [20 ILCS 3105] and authorized by Sections 9.06 and 16 of that Act, Article 30 and Section 1-15.25 of the Illinois Procurement Code [30 ILCS 500/Art. 30 and 1-15.25] and Section 20 of the Architectural, Engineering, and Land Surveying Qualifications Based Selection Act [30 ILCS 535/20].

- 5) A Complete Description of the Subjects and Issues Involved: Compliance with the Architectural, Engineering, and Land Surveying Qualifications Based Selection Act [30 ILCS 535/20] and the Local Government Professional Services Selection Act [50 ILCS 510] when CDB delegates evaluations for selections.
- 6) Will this proposed amendment replace an emergency rulemaking current in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed amendment contain incorporation by reference? No
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: This amendment does not create or expand a State mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)].
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: From the date that this notice first appears in the Illinois Register, for a period of 45 days thereafter, interested persons may submit comments, in writing, to:

Claire Gibson, Deputy Chief Counsel
Capital Development Board
3rd Floor Wm. G. Stratton Bldg.
Springfield, Illinois 62706
217/782-1392

12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not for profit corporation affected: Small municipalities, if they had a cooperative project with CDB through an intergovernmental agreement, and if CDB

CAPITAL DEVELOPMENT BOARD

NOTICE OF PROPOSED AMENDMENTS

delegated A/E evaluation, would be affected.

B) Reporting, bookkeeping or other procedures required for compliance:

None

C) Types of professional skills necessary for compliance: None

- 13) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included in either of the 2 most recent regulatory agendas because: The need for filing these amendments was not anticipated at that time.

The full text of the Proposed Amendments begins on the next page:

CAPITAL DEVELOPMENT BOARD

NOTICE OF PROPOSED AMENDMENTS

TITLE 44: GOVERNMENT CONTRACTS, PROCUREMENT AND PROPERTY MANAGEMENT
SUBTITLE B: SUPPLEMENTAL PROCUREMENT RULES
CHAPTER XII: CAPITAL DEVELOPMENT BOARD

B) None
PART 1000
SELECTION OF ARCHITECTS/ENGINEERS (A/E)

	Section	1000.100 Definitions	1000.110 Purpose	1000.120 Selection Procedures	1000.130 Selection Committee	1000.140 Evaluation Procedures	1000.150 Preliminary Evaluations	1000.160 Interviews	1000.170 Delegation of Evaluations	1000.180 Public Notice	1000.190 Submittal Requirements	1000.200 Small Projects	1000.210 Emergency Projects

AUTHORITY: Implementing the Capital Development Board Act [20 ILCS 3105] and authorized by Sections 9.06 and 16 of that Act, Article 30 and Section 1-15.25 of the Illinois Procurement Code [30 ILCS 500/Art. 30 and 1-15.25] and Section 20 of the Architectural, Engineering, and Land Surveying Qualifications Based Selection Act [30 ILCS 535/20].

SOURCE: Adopted at 2 Ill. Reg. 30, p. 140, effective July 27, 1978; amended at 4 Ill. Reg. 9, p. 233, effective February 14, 1980; amended at 5 Ill. Reg. 1890, effective February 17, 1981; amended and codified at 8 Ill. Reg. 20332, effective October 1, 1984; amended at 9 Ill. Reg. 17338, effective October 29, 1985; amended at 12 Ill. Reg. 17815, effective October 25, 1988; Part repealed, new Part adopted at 22 Ill. Reg. 1176, effective January 1, 1998; amended at 24 Ill. Reg. 11618, effective July 24, 2000; amended at 25 Ill. Reg. _____, effective _____.

Section 1000.170 Delegation of Evaluations

CDB may delegate the evaluation of prospective A/Es to the user agency (school district, college, university, Illinois Community College Board or unit of local government). The user agency shall be required to comply with the Architectural, Engineering, and Land Surveying Qualification Based Selection Act [30 ILCS 535] or the Local Government Professional Services Selection Act [50 ILCS 510], as may be applicable. Recommendations pursuant to 30 ILCS 535 for contracts of \$25,000 or more shall state the three selected firms ranked in order of qualifications. Recommendations pursuant to 50 ILCS 510 for contracts of \$25,000 or more shall state the three selected firms ranked in order of qualifications unless the selection is stated to be an exception under 50 ILCS

CAPITAL DEVELOPMENT BOARD

NOTICE OF PROPOSED AMENDMENTS

NOTICE OF PROPOSED AMENDMENTS

NOTICE OF PROPOSED RULES

- 1) Heading of the Part: Office of Inspector General (OIG)

2) Code Citation: 89 Ill. Adm. Code 430

3) Section Numbers: Proposed Action:

430.10	New
430.20	New
430.30	New
430.40	New
430.50	New
430.60	New
430.70	New
430.80	New
430.90	New
430.100	New
430.110	New

4) Statutory Authority: 20 ILCS 505/35.5 and 35.6

5) A Complete Description of the Subjects and Issues Involved: The proposed rule spells out the internal review process for the Department's Office of Inspector General in the conduct of its investigations. OIG record retrieval, the confidentiality of those records and reports of the OIG are all covered.

6) Will this proposed rule replace an emergency rule currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this proposed rule contain incorporations by reference? No

9) Are there any proposed amendments to this Part pending? No

10) Statement of Statewide Policy Objectives: The proposed rule does not expand a State Mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)].

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Comments on this proposed rulemaking may be submitted in writing for a period of 45 days following publication of this notice. Comments should be submitted to:

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED RULES

TDD: 217/524-3715
FAX: 217/557-0692
E-Mail: cfpolicy@idcfs.state.il.us

The Department will consider fully all written comments on this proposed rulemaking submitted during the 45-day comment period. Comments submitted by small businesses should be identified as such.

12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses affected: Purchase of service child welfare agencies.
- B) Reporting, bookkeeping or other procedures required for compliance:
Private agencies, licensed childcare providers and Department employees may need to compile document files for transmittal to the Office of Inspector General.
- C) Types of professional skill necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: January 2001
The full text of the Proposed Rule begins on the next page.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED RULES

TITLE 89: SOCIAL SERVICES
CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES
SUBCHAPTER F: GENERAL ADMINISTRATION

PART 430
OFFICE OF THE INSPECTOR GENERAL (OIG)

Section	Purpose
430.10	Definitions
430.20	Office of Inspector General (OIG) Investigations
430.30	Complaints
430.40	Cooperation with OIG Investigations
430.50	Records Retrieval
430.60	Subpoena Powers
430.70	Confidentiality
430.80	OIG Reports
430.90	Annual Reports
430.100	Severability
430.110	

AUTHORITY: Implementing and authorized by Section 35.5 and 35.6 of the Children and Family Services Act [20 ILCS 505/35.5 and 35.6] and Section 5 of the Illinois Administrative Procedure Act [5 ILCS 100/5].

SOURCE: Adopted at 25 Ill. Reg. _____, effective _____.

Section 430.10 Purpose

The purpose of this Part is to explain the internal review process for the Department's Office of Inspector General (OIG) investigations. This includes the filing of complaints, OIG records retrieval, subpoena power, confidentiality of information, and OIG reports.

Section 430.20 Definitions

"Administrator" means the person charged with administration of the Department Office, Private Agency or Licensed Child Care Facility. In the case of foster homes, it refers to either foster parent.

"Department" means the Department of Children and Family Services.

"Department Employee" means a full, part-time or contractual employee of the Department.

"Department Office" means a program, division or office of the Department.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED RULES

"Director" means the Director of the Department.

"Employee" means a person employed by, or on contract with, the Department, a private agency or licensed child care facility.

"Impounding" means requiring immediate production of records.

"Licensed Child Care Facility" means a foster home, day care center, child care institution, day care home, group day care home, secure care facility, group home, child welfare agency or youth emergency shelter, as defined in Section 10 of the Child Care Act [225 ILCS 10].

"Licensing Standards" means all rules and laws applicable to the operation and licensure of the particular licensed child care facility.

"Malfeasance" means a wrongful act that the actor has no legal right to do, or any wrongful conduct that affects, interrupts, or interferes with performance of an official duty.

"Management" means a private agency or Department employee who either supervises subordinate employees or manages or administers a program or division.

"Misfeasance" means the improper performance of some act that a person may lawfully do.

"Obstruction" means hindering or preventing from progress, stopping or delaying the progress of, or making the progress of an investigation difficult or slow.

"OIG" or "Inspector General" means the Office of Inspector General of the Department of Children and Family Services and includes the Inspector General, investigators and employees of the office.

"Private Agency" means a child welfare agency licensed through 89 Ill. Adm. Code 401 (Licensing Standards for Child Welfare Agencies) that contracts with the Department.

"Private Agency Employee" means a full or part-time employee or contractor of the private agency.

"Record" means any recording, either in written, audio, electronic transmission or computer storage form, including, but not limited to, drafts, memoranda, notes, reports, computer printouts, notations and messages, medical records, mental health records, case files, clinical records, and financial and administrative records.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED RULES

Section 430.30 Office of Inspector General (OIG) Investigations

- a) Investigations by the Office of Inspector General (OIG)
 - 1) The Office of Inspector General (OIG) of the Department of Children and Family Services investigates allegations of, or incidents of, possible misconduct, misfeasance, malfeasance, or violation of rules, procedures or laws by an employee, foster parent, service provider, or a contractor of the Illinois Department of Children and Family Services, or employees of the service provider or contractor. Any investigation conducted by the Inspector General shall be independent and separate from an investigation mandated by the Abused and Neglected Child Reporting Act [325 ILCS 5].
 - 2) The Inspector General investigates deaths or serious injuries in foster homes, child welfare institutions, independent living programs and other facilities licensed by the Department, as well as deaths or serious injury when there was an open child welfare service case or child protection investigation by the Department within the preceding 12 months.
 - 3) The Inspector General investigates complaints relating to child welfare employee licensure pursuant to this Part and 89 Ill. Adm. Code 412 (Licensure of Direct Child Welfare Services Employees and Supervisors).
- b) Operation of Inspector General (OIG)
 - 1) The OIG shall be independent of the operations of the Department and shall report to the Director and perform all other duties the Director may designate.
 - A) The files of the Inspector General shall remain separate from, and shall not be open for review by, the Department.
 - B) Investigations will be conducted separately from any Department investigations, including Independent Utilization Reviews and reviews or audits conducted pursuant to 89 Ill. Adm. Code 434 (Audits, Reviews and Investigations).
 - 2) The Inspector General shall have access to all information and personnel necessary to perform the duties of the office.
 - 3) The Inspector General shall be the primary liaison between the Department and the Illinois State Police. As such, Department management personnel shall report all known criminal acts impacting on professional duties of employees to the Inspector General, who will coordinate with the Illinois State Police.
 - 4) A full OIG investigation consists of:
 - A) Retrieval of relevant records, either through subpoena, impounding or voluntary production;
 - B) Review of all relevant documentation; and
 - C) Interviews of all relevant persons.

Section 430.40 Complaints

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED RULES

- a) The Office of Inspector General accepts complaints in writing from the general public. The OIG also maintains a toll-free hotline for public complaints. Anyone wishing to file a complaint with the office may send written comments to:

Office of the Inspector General
Illinois Department of Children and Family Services
2240 West Ogden
Chicago IL 60612
Call toll-free at 1-800-722-9124

- b) Complaints will be evaluated to determine if they suggest possible misconduct, malfeasance, or violation of rules, procedures or statutes by a:
- 1) DCFS employee;
 - 2) foster parent;
 - 3) service provider or its employees; or
 - 4) contractor of DCFS or its employees.
- c) All complaints shall be reviewed to determine whether a full investigation is warranted.
- d) Complaints will not be accepted unless:
- 1) The complainant alleges misconduct, misfeasance or malfeasance.
 - 2) The complaint is against a person within the jurisdiction of the Inspector General's office.
 - 3) The allegations can be independently verified through investigation.
- e) The Inspector General will determine within 2 weeks after receipt of a complaint whether it will be accepted for an initial or preliminary investigation. A full investigation will include an examination of all relevant documents and interviews of relevant persons.

- f) Complaints alleging a basis for a child welfare services employee licensure action will be submitted to the appointed staff of the Child Welfare Employee Licensure Board and will be evaluated pursuant to 89 Ill. Adm. Code 412.60 (Investigation, Notice and Proceedings Involving Formal Complaints).

Section 430.50 Cooperation with OIG Investigations

- a) All Department and private agency employees, foster parents and owners, operators and employees of licensed child care facilities shall cooperate with the OIG. Cooperation includes, but is not limited to:
- 1) permitting full access to, and production of, information and records in accordance with this Part. Information and records can be shared with the OIG without violating confidentiality provisions;
 - 2) fair and honest disclosure of documents and information reasonably requested by the Inspector General in the performance

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED RULES

- a) of his/her duties;
- 3) management encouraging employees to fully comply with reasonable requests of the Inspector General in the performance of his/her duties;
 - 4) management prohibiting retaliation against employees for providing information or records or complaining to the Inspector General;
 - 5) management being prohibited from requiring employees to seek supervisory approval prior to filing a complaint with, or providing information or records to, the Inspector General;
 - 6) employees providing complete and truthful answers to questions; and
 - 7) employees not willfully interfering or obstructing the OIG investigation.
- b) Failure to cooperate with an OIG investigation may result in discipline, up to and including discharge, or other sanction.
- c) Any person who fails to appear in response to a subpoena issued by the OIG or to answer any question or produce any books or papers relevant to an investigation conducted in accordance with this Part, or who knowingly gives false testimony in relation to such investigation, is guilty of a Class A misdemeanor. The power to subpoena or to compel the production of books and papers, however, shall not extend to the person or documents of a labor organization or its representatives insofar as the person or documents of the labor organization relate to the function of representing an employee subject to an investigation under this Part [20 ILCSS 505/35.5(g)].

Section 430.60 Records Retrieval

- a) In conducting investigations, the OIG shall access all relevant records, either through subpoena, impounding or voluntary production. The OIG investigator may impound the original of any record, file, document or paper necessary for the investigation from any Department office, licensed child care facility, or private agency that is pertinent to an investigation conducted pursuant to this Part. All case files, licensing files, medical records, financial and administrative records, and records required to be maintained pursuant to applicable licensing rules shall be subject to production and review by the Inspector General without subpoena.
- b) Compliance with impounding requires:
- 1) production of all records noted;
 - 2) a diligent search to ensure that all appropriate records are included in the materials forwarded to the OIG;
 - 3) a continuing obligation to immediately forward to the OIG any relevant records received, located or generated after the date of the impound.
- c) The OIG may impound original records from any Department office, licensed child care facility, or private agency relevant to an

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED RULES

investigation conducted in accordance with this Part.

- 1) The OIG shall seek access in a manner that respects the dignity and human rights of all persons involved, maintains the integrity of the investigation and does not unnecessarily disrupt programs and/or services. When advance notice to an administrator or his or her designee is not provided, the OIG shall, upon arrival at the private agency, licensed child care facility or Department office, request that an on-site employee notify the administrator or his or her designee of the OIG's arrival.
- 2) During business hours, the OIG may make an unannounced visit to a Department office, licensed child care facility or private agency to impound records relevant to an investigation.
- 3) If it is necessary to impound records after business hours, the investigator shall seek access to a Department office, licensed child welfare facility or private agency by contacting the relevant administrator.
- 4) The administrator may be asked to sign a Statement of File Integrity and Security stating, when the file was secured for impounding:

- A) that the administrator has made a diligent search of the office, agency or facility to determine that all appropriate documents in existence at the time of impounding were produced;
 - B) that the administrator agrees to forward any relevant documents received, located or generated after the impound to the OIG immediately;
 - C) persons who have had access to the material since it was secured; and
 - D) whether, to the knowledge of the administrator, any documents were removed or added to the file since it was secured.
- 5) The OIG will permit an employee of the private agency, child welfare facility, or Department office to make photocopies of the original file in the presence of the investigator for purposes of creating a working file in accordance with procedures detailed in the Copy Procedure Form for Impound Documents.
 - 6) The OIG shall present to the administrator or other employee of the private agency, Department office or licensed child care facility, a copy of the Notice of Impounding/File Retrieval, stating the date of impounding or retrieval and the titles of files impounded or retrieved.
 - 7) Except in investigations involving death or serious injury, the OIG shall return the original impounded file as soon as practicable, but no later than 10 working days after the date of impoundment. The OIG shall return a copy in lieu of an original document whenever a copy satisfactorily cannot duplicate information contained in the original document and, on the face of the document, the OIG shall indicate that it is a copy and

where the original can be located. Copies of impounded documents relevant to the findings of the investigation will be retained by the OIG for a minimum of 10 years.

- 8) For death investigations, the original file shall be returned to the DCFS Office of Legal Services, upon completion of the investigation or any subsequent proceedings resulting from the investigation, but the OIG may retain copies or originals of the documents for the investigative file. The OIG shall return a copy, in lieu of an original document, whenever a copy satisfactorily cannot duplicate information contained in the original document and, on the face of the document, the OIG shall indicate that it is a copy and where the original can be located.
- 9) All investigations conducted by the OIG shall be conducted in a manner designed to ensure the preservation of evidence for possible use in a criminal prosecution.

Section 430.70 Subpoena Powers

- a) The Inspector General shall have the power to subpoena witnesses and compel the production of records pertinent to an investigation authorized under this Part.
- b) The OIG may not subpoena witnesses or compel the production of records from a labor organization or its representatives, insofar as the witness or record sought relates to the function of representing an employee subject to investigation under this Part.
- c) Any person who fails to appear in response to a subpoena or to answer any question or produce any records pertinent to an investigation under this Part, except as otherwise provided in subsection (b) of this Section, or who knowingly gives false testimony in relation to an investigation under this Part is guilty of a Class A misdemeanor. [20 ILCS 505/35.5(g)]

Section 430.80 Confidentiality

- a) OIG investigations access information that is confidential pursuant to numerous State and federal statutes and administrative rules. OIG reports are confidential because they contain information gleaned from these confidential records. OIG reports shall not be distributed beyond the Department or private agency that is the subject of the report without the consent of the Inspector General.
- b) The OIG shall redact confidential information, as required by law and/or 89 Ill. Adm. Code 431 (Confidentiality of Personal Information of Persons Served by the Department of Children and Family Services).
- c) OIG reports shall not be subject to disclosure under the Freedom of Information Act [5 ILCS 140].
- d) The Department and the OIG shall protect from retaliation any person who files a complaint or provides information in good faith. To protect persons from retaliation, the OIG may withhold the identity of

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED RULES

sources of information.

Section 430.90 OIG Reports

- a) The Inspector General's report to the Director shall be in writing and shall contain recommendations. The OIG may recommend systemic reform or case-specific action, including a recommendation for discharge or discipline of either Department or private agency employees or for sanctions against a private agency or foster parent. Private agencies that are the subject of reports and Department management shall review and assess whether practice and systems issues raised by individual case-based OIG reports may offer guidance in remediating failings in the field.
- b) Reports to the Director
- 1) Reports will be shared with the Director within one week after completion.
 - 2) After a report is submitted to the Director, the Director shall determine whether to accept, reject, or request modification of the recommendations contained in the report.
 - 3) If a recommendation is not accepted, the Inspector General may delete or modify the recommendation.
 - 4) When the Director has accepted the recommendations contained in the report, portions of the report shall be provided to the private agency that is the subject of a recommendation and with those involved in the implementation of the recommendation. Those receiving any OIG report may not further distribute the report or any confidential information contained in the report.
 - c) The Inspector General and the Director of DCFS may distribute the report to: the private agency or Department office that is currently handling the child or family case; the juvenile court judge before whom the child or family case is pending; or the children's guardian ad litem, to the extent that doing so is relevant to the child's welfare. Those receiving OIG reports pursuant to this subsection (c) may not further disclose the report or any confidential information contained in the report.
 - 1) Whenever the OIG determines that sharing a report with either the court or the current child welfare agency is necessary, it will notify both the Director and the private agency involved that the report is being disseminated.
 - 2) Notification is not required where reports are redacted for use as teaching tools, including use as appendices to the OIG Annual Report.
 - 3) OIG reports disseminated pursuant to this Section, other than those redacted and disseminated as teaching tools, may not be further disseminated without the approval of the Director.
 - d) An OIG report that identifies misfeasance, malfeasance or misconduct of a Department employee or private agency employee that is relevant to providing appropriate supervision of the employee may be shared with the Department office or private agency for which the employee works. The employer may not further distribute the OIG report or any confidential information contained in the report.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED RULES

- with the Department office or private agency for which the employee works. The employer may not further distribute the OIG report or any confidential information contained in the report.
- 1) Recommendations Concerning a Private Agency or Private Agency Employee
 - A) When the Director has accepted recommendations concerning a private agency or private agency employee, the Inspector General shall transmit a copy of the report to the executive director of the private agency within 15 days after the date that the recommendations were accepted. If the Director has not accepted recommendations concerning a private agency, the OIG report will not be transmitted to the private agency.
 - B) Portions of the report may be redacted to preserve confidentiality.
 - C) The Inspector General may arrange a meeting to discuss the recommendations with the executive director, chairman or president, and the board of directors, of any private agency or child care facility that is the subject of an OIG recommendation.
 - D) The OIG report may be shared with any employee or private agency that is the subject of a recommendation and those involved in implementation of the recommendations.
 - 2) Private Agency Response
 - A) Within 45 days after receipt of the report, the private agency may submit a written response to the OIG to correct any factual errors in the report.
 - B) The Inspector General will consider all documents submitted by the private agency to determine whether a corrected report will be issued.
 - C) If the OIG determines that a corrected report is necessary, the corrected report shall be issued within 14 days after receipt of the private agency's written response.
 - D) If the OIG does not issue a corrected report, or if the corrected report does not address all issues raised within the written response from the private agency, the private agency may request that the written response, or portions of the response, be appended to the report or corrected report.
 - e) OIG reports that are generated from child welfare employee licensure investigations will be submitted to the Child Welfare Employee Licensure Board and will be handled according to 89 Ill. Adm. Code 412.

Section 430.100 Annual Reports

The OIG shall provide to the General Assembly and the Governor, no later than January 1 of each year, a summary of reports and investigations made under this Part for the previous fiscal year. The summaries shall detail recommendations

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED RULES

and the status of implementation of recommendations. The summaries shall not contain any confidential or identifying information concerning the subjects of the reports and investigations. [20 ILCS 505/35.5(h)]

Section 430.110 Severability

If any court of competent jurisdiction finds that any Section, clause, phrase, or provision of this Part is unconstitutional or invalid for any reason whatsoever, this finding shall not affect the validity of the remaining portions of this Part.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Practice in Administrative Hearings
- 2) Code Citation: 89 Ill. Adm. Code 14
- 3) Section Numbers:
- Proposed Action:
 Amendment
 Amendment
- 14.45
14.55
- 4) Statutory Authority: Implementing Sections 11-8 through 11-8.7, 12-4.9 and 12-4.25 and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/11-8 through 11-8.7, 12-4.9, 12-4.25 and 12-13].
- 5) A Complete Description of the Subjects and Issues involved: This rulemaking amends the Section on Postponement or Continuation of Hearings to add clarifying language. This area was commented on during the adoption of the rulemaking and these changes are directed at better explaining these areas. The Section on Closing of the Administrative Hearing is also amended to require copies of any evidence presented after the hearing be provided to all parties.
- 6) Will this proposed rulemaking replace an emergency rulemaking currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed amendment contain incorporations by reference? No
- 9) Are there any other amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives (if applicable): This rulemaking does not create or expand a State mandate.

- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning this rulemaking within 45 days after this issue of the Illinois Register. All requests and comments should be submitted in writing to:
- Ms. Susan Weir, Bureau Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue East
3rd Floor Harris Bldg.
Springfield IL 62762
(217) 785-9772
- If because of physical disability you are unable to put comments into writing, you may make them orally to the person listed above.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not for profit corporations affected: None
- B) Reporting, bookkeeping or other procedures required for compliance:
None
- C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the two most recent regulatory agendas because: the need for this rulemaking was not anticipated at the time of the most recent agendas.

The full text of the Proposed Amendments begins on the next page:

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

TITLE 89: SOCIAL SERVICES

CHAPTER I: DEPARTMENT OF HUMAN SERVICES
SUBCHAPTER A: GENERAL PROVISIONS

PART 14

PRACTICE IN ADMINISTRATIVE HEARINGS

SUBPART A: ASSISTANCE APPEAL

Section	Purpose
14.1	Incorporation by Reference
14.2	Definitions
14.5	Initiation of an Appeal
14.10	Pre-Hearing Meeting
14.11	Review of Case Record
14.12	Appellant Participation in Hearing
14.15	Notice of Hearing
14.20	Venue and Conduct of Hearings
14.21	Representation
14.22	Evidentiary Requirements
14.23	Subpoenas
14.30	Amendment of Appeal
14.35	Consolidation of Appeals
14.40	Postponement or Continuation of Hearings
14.45	Withdrawal of Appeal
14.50	Closing of Hearing Record
14.55	Dismissal of Appeal
14.60	Final Administrative Decision
14.70	Public Aid Committee
14.80	

SUBPART B: RESPONSIBLE RELATIVE AND JOINT PAYEE PETITIONS

Section	Responsible Relative and Joint Payee Petitions
14.100	Petition for Hearing
14.101	Conduct of Administrative Support Hearings
14.102	

SUBPART C: FOOD STAMP ADMINISTRATIVE DISQUALIFICATION HEARINGS

Section	Suspected Intentional Violation of the Program
14.300	Advance Notice of Administrative Disqualification Hearing
14.310	Postponement of Hearing
14.320	Administrative Disqualification Hearing Procedures
14.330	Failure to Appear
14.340	Participation While Awaiting a Hearing
14.350	Consolidation of Administrative Disqualification Hearing with Fair
14.360	

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

- Hearing
Decision
Appeal Procedure
- 14.370 Administrative Disqualification Hearing Decision and Notice of
14.380 Appeal Procedure
- AUTHORITY:** Implementing Sections 11-8 through 11-8.7, 12-4.9 and 12-4.25 and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/11-8 through 11-8.7, 12-4.9, 12-4.25 and 12-13].
- SOURCE:** Adopted at 25 Ill. Reg. 5335, effective March 15, 2001; amended at 25 Ill. Reg. _____, effective _____.

SUBPART A: ASSISTANCE APPEAL

Section 14.45 Postponement or Continuation of Hearings

- a) The Department may postpone or continue a hearing as provided in this Section. As used in this Section, a "postponement" is a decision not to convene the hearing on its scheduled date. A "continuance" is a decision not to proceed with a hearing that has convened.
- b) A request for postponement or continuance may be made by the appellant or the appellant's authorized representative. Except for the appellant's request for the first postponement of a food stamp appeal, a request to postpone a hearing must be in writing and received by the Bureau of Assistance Hearings at least 2 business days prior to the scheduled hearing date. A request for postponement made less than 2 business days prior to the scheduled hearing date will be granted only upon a showing of good cause as defined in Section 14.60(e).
- c) If the request for a continuance or postponement is granted, the Bureau of Assistance Hearings shall schedule a hearing as early as reasonably practicable and shall notify the parties of the new date, time and place of the hearing.
- d) Requirements for Requests The--appellant's--first--request--for--a postponement--or--continuance--does--not--require--a--showing--of--good--cause--if--submitted--timely--After--subsequent--requests--for--postponement--or continuance--will--be--granted--only--upon--a--showing--of--good--cause--Good cause--to--postpone--or--continue--a--hearing--includes--7--but--is--not--limited to--the--reasons--set--forth--in--Section--14-60(e)--
 1) In a food stamp appeal the appellant's first request for postponement or continuance does not require showing of good cause or timely submission.
 2) In a non-food stamp appeal, the appellant's first request for postponement or continuance does not require a showing of good cause, but does require timely submission.
 3) All subsequent requests for postponement or continuance will be granted only upon timely submission and showing of good cause. Good cause to postpone or continue a hearing includes, but is not limited to, the reasons set forth in Section 14.60(e).

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

- 4) Except for the first request for a postponement in a food stamp appeal, unless notified that the postponement has been granted, the appellant and representatives are expected to appear at the hearing. Failure to appear shall cause the dismissal of the appeal as set forth in Section 14.60.
- 5) At the hearing, the hearing officer may grant a request to continue when the party or representative shows that good cause exists for not proceeding with the hearing. If the request is based on the unavailability of witnesses and/or documentary evidence, the hearing officer may defer ruling on the request until after the available evidence on the issues of the case has been presented.

(Source: Amended at 25 Ill. Reg. _____, effective _____)

Section 14.55 Closing of Hearing Record

- a) At the adjournment of the hearing, the record shall be closed and no further evidence may be submitted. Prior to adjournment of the hearing, a request to leave the record open for a specified period for the submittal of additional evidence specifically identified during the hearing may be granted by the hearing officer. Copies of any evidence presented after the hearing shall be provided to all parties.

(Source: Amended at 25 Ill. Reg. _____, effective _____)

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Acupuncture Practice Act
- 2) Code Citation: 68 Ill. Adm. Code 1140
- 3) Section Numbers:
 - 1140.30
 - 1140.40
 - 1140.50
- 4) Statutory Authority: Acupuncture Practice Act [225 ILCS 2]
- 5) A Complete Description of the Subjects and Issues Involved: Public Act 90-723 requires that, after January 1, 2002, applicants must have graduated from a school accredited by the National Accreditation Commission for Schools and Colleges of Acupuncture and Oriental Medicine or similar accrediting body or have completed a comprehensive educational program approved by the Department. This proposed rulemaking establishes those curriculum requirements, consisting of a minimum of 3 academic years (1725 hours or 93 semester credits) including both academic and clinical training.
- 6) Do these proposed amendments replace emergency rules currently in effect?
No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed amendments contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives (if applicable): This rulemaking has no effect on local governments.
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may submit written comments to:

Department of Professional Regulation
Jean A. Courtney
320 West Washington, 3rd Floor
Springfield IL 62786
217/785-0813 Fax #: 217/782-7645

All written comments received within 45 days after this issue of the Illinois Register will be considered.
- 12) Initial Regulatory Flexibility Analysis:
 - A) Types of small businesses, small municipalities and not for profit

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

- corporations affected: Those providing acupuncture services.
- B) Reporting, bookkeeping or other procedures required for compliance:
 - None
- C) Types of professional skills necessary for compliance: Acupuncture skills are necessary for licensure.
- 13) Regulatory Agenda on which this rulemaking was summarized: January 2001

The full text of the Proposed Amendments begins on the next page:

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

TITLE 68: PROFESSIONS AND OCCUPATIONS

CHAPTER VII: DEPARTMENT OF PROFESSIONAL REGULATION
SUBCHAPTER b: PROFESSIONS AND OCCUPATIONSPART 1140
ACUPUNCTURE PRACTICE ACT

Section	Definitions
1140.10	Fees
1140.20	Application for Licensure
1140.30	Acupuncture Curriculum
1140.40	Endorsement
1140.50	Renewals
1140.60	Unprofessional Conduct
1140.100	Granting Variances
1140.110	

AUTHORITY: Implementing the Acupuncture Practice Act [225 ILCS 2] and authorized by Section 2105-15(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/2105-15(7)].

SOURCE: Adopted at 23 Ill. Reg. 5705, effective April 30, 1999; amended at 25 Ill. Reg. _____, effective _____.

Section 1140.30 Application for Licensure

a) Prior to January 1, 2002, an applicant for an acupuncture license shall apply on forms approved by the Department. The application shall include:

- 1) Either:
 - A) Proof of passage of the National Commission for the Certification of Acupuncturists (NCCA) or National Certification Commission for Acupuncture and Oriental Medicine (NCCAOM) examination or another examination that has been approved by the Department; or
 - B) Current certification from the National Certification Commission for Acupuncture and Oriental Medicine;
 - 2) Proof of successful completion of the Clean Needle Technique (CNT) Course offered by the Council of Colleges of Acupuncture and Oriental Medicine;
 - 3) A complete work history; and
 - 4) The required fee specified in Section 1140.20 of this Part.
- b) Beginning January 1, 2002, the Department shall issue a license to an applicant who submits with the application proof of the following:
- 1) Education
 - A) Graduation from a school accredited by the Accreditation Commission for Acupuncture and Oriental Medicine (ACAOM) or

- a similar accrediting body approved by the Department; or
- B) Completion of a comprehensive educational program approved in accordance with Section 1140.40 by the Department; and
- 2) Passing the National Commission for the Certification of Acupuncturists (NCCA) examination, National Certification Commission for Acupuncture and Oriental Medicine (NCCAOM) examination or a substantially equivalent examination approved by the Department;
- 3) Proof of successful completion of the Clean Needle Technique (CNT) course offered by the Council of Colleges of Acupuncture and Oriental Medicine;
- 4) A complete work history since completion of acupuncture education; and
- 5) The required fee specified in Section 1140.20.
- c) In lieu of the requirements in subsection (a)(1) and (a)(2) above, an applicant may, prior to December 31, 1999, submit proof of active practice for at least 3 of the last 5 years and:
- 1) Graduation from a formal full-time acupuncture program consisting of a minimum of 1,350 hours of entry level acupuncture education (including at least 500 hours of clinic). A copy of the transcript shall accompany the application; or
 - 2) Completion of an apprenticeship, signed by the preceptor, of at least 4,000 contact hours in acupuncture techniques in a 3- to 6-year period. The preceptor must have had at least 5 years experience prior to the beginning of the apprenticeship, and his or her practice must include the use of acupuncture as a primary means of treatment with a minimum of 100 different patients and 500 patient visits per year during the apprenticeship. A copy of the preceptor's curriculum vitae shall accompany the application; or
 - 3) Practice of acupuncture as a primary means of treatment for at least 5 additional years (a total of a minimum of 8 years) that includes the use of acupuncture in general practice with a minimum of 100 different patients and 500 patient visits per year. Five affidavits attesting to 5 years of practice from peers or colleagues shall accompany the application.
 - de) All documents shall be submitted to the Department in English.
 - ed) If the applicant has ever been licensed in another jurisdiction, he/she shall also submit a certification, on forms provided by the Department, from the jurisdiction in which the applicant was originally licensed and in which the applicant is currently licensed, stating:
 - 1) The time during which the applicant was licensed in that jurisdiction, including the date of the original issuance of the license;
 - 2) A description of the examination in that jurisdiction; and
 - 3) Whether the file on the applicant contains any record of disciplinary actions taken or pending.

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

f(e) When the accuracy of any submitted documentation or experience is questioned by the Department or the Board because of lack of information, discrepancies or conflicts in information given or a need for clarification, the applicant seeking licensure shall be requested to:

- 1) Provide such information as may be necessary; and/or
- 2) Appear for an interview before the Board to explain such relevance or sufficiency, clarify information, or clear up any discrepancies or conflicts in information.

(Source: Amended at 25 Ill. Reg. _____, effective _____)

Section 1140.40 Acupuncture Curriculum

The Department shall, upon the recommendation of the Board of Acupuncture, approve an applicant's acupuncture curriculum if it meets the following minimum criteria:

a) The school from which the applicant was graduated:

- 1) Is legally recognized and authorized by the jurisdiction in which it is located to confer an acupuncture degree; and
- 2) Has a faculty that comprises a sufficient number of full-time instructors to make certain that the educational obligations to the student are fulfilled. The faculty must have demonstrated competence as evidenced by appropriate degrees in their areas of teaching from professional colleges or institutions; and
- 3) Maintains permanent student records that summarize the credentials for admission, attendance and grades and other records of performance.

b) Curriculum shall be a minimum of at least 3 academic years (a minimum of 1725 hours or 93 semester credits or its equivalent). This must be composed of at least:

- 1) 705 hours (47 semester hours or its equivalent) in theory and treatment techniques in acupuncture and related studies. Topics shall include, but not be limited to, the following:

A) History of Acupuncture;

B) Basic Theory. Topics include Yin, Yang, 8 principles, and 5 elements; Zang (viscera) organs and Fu (bowels) organs and extraordinary organs; theory of channels (meridians) and collaterals, function of channel and collateral; Qi, blood and body fluid, Qi tonification (supplementation) and sedation (draining); the etiology (the causes of diseases) such as 6 exogenous, 7 emotional factors and non-internal or non-external reasons;

C) Point Location and Channel (Meridian) Theory. Topics include nomenclature and distribution of the 14 channels on the body surface--12 regular channels, Ren (conception) channel and Du (governing) channel; classification of

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

points; points study should include the method of locating the points, anatomic structures, classification of points, functions and indications, and contraindications; points know the specific points, such as Five Shu points, Yuan (source) points, Luo (connecting) points, Xi (cleft) points, Back-Shu points, Front-Mu points. Crossing points; 8 extraordinary channels and points;

D) Acupuncture Treatment. Topics include history of the patient and charting; the Five Examinations; measuring and recording vital signs; methods and systems for planning, carrying out and evaluating a treatment and prognosis; contraindications of treatment; indications of potential for increased risk to the patient (e.g., immune compromised patient, diabetic patient), the need to modify standard therapeutic approach (e.g., infants and children, pregnancy), and apparently benign presentations that may have a more serious cause (hypertension, headaches);

E) Treatment Techniques. Topics include needle insertion: depth, duration, manipulation and withdrawal; the appearance of Qi; Moxa; application, direct and indirect, etc.; other techniques (e.g., bleeding, moxibustion, cupping, qua sha, 7 star); tonification and sedation techniques; knowledge relating to the treatment of acute and chronic conditions, first aid, anesthesia, and electrical stimulation; safety issues; Oriental bodywork therapy (e.g., Tui Na, shiatsu, Amma, acupressure, etc.); and

F) Ethics and Practice Management. Topics include confidentiality; informed consent; understanding the scope of practice; recordkeeping; legal requirements, release of data; ethical and legal aspects of referring patients to another practitioner; professional conduct and appropriate interpersonal behavior; laws and regulations governing the practice of acupuncture; recognition and clarification of patient expectations; general liability insurance; legal requirements; professional liability insurance; risk management and quality assurance; building and managing a practice, including ethical and legal aspects of third party reimbursement; and professional development.

No more than 72 hours may count towards history and ethics and practice management.

2) 660 hours (22 semester credits or its equivalent) in clinical training.

A) The program must assure that each student participates in a minimum of 500 hours in the supervised care of patients using acupuncture. This portion of the clinical training conducted under the supervision of program-approved supervisors, must consist of 250 student-performed treatments where students conduct patient interviews,

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

- Participate in treatment planning, perform appropriate acupuncture treatments, and follow up on patients' responses to treatment.
- B) The supervised clinical practice must be an internship that provides the student training in all phases of patient care and must be conducted in a teaching clinic operated by the institution or in a clinical facility with a formal affiliation with the institution where the institution exercises academic oversight substantially equivalent to the academic oversight exercised for teaching clinics operated by the institution, where:
- i) Clinical instructors' qualifications meet school requirements for clinical instruction;
 - ii) Regular, systematic evaluation of the clinical experience takes place; and
 - iii) Clinical training supervision procedures are substantially equivalent to those within the teaching clinic operated by the institution. Student interns must receive training from a variety of clinical faculty in order to ensure that interns are exposed to different practice styles and instructional methods.
- C) The remaining 160 hours may be acquired in observation and case review.
- 3) 360 hours (24 semester credits) in biomedical clinical sciences.
- A) Biomedical Clinical Sciences. Topics include basic science courses; biomedical and clinical concepts and terms; human anatomy and physiology; pathology and the biomedical disease model; pharmacology; the nature of the biomedical clinical process, including history taking, diagnosis, treatment and follow-up; the clinical relevance of laboratory and diagnostic tests and procedures, as well as biomedical physical examination findings; and
- B) Clean Needle Technique. Infectious diseases, sterilization procedures, needle handling and disposal, and other issues relevant to bloodborne and surface pathogens; the basis and need for referral and/or consultation; the range of biomedical referral resources and the modalities they employ.
- f) An individual who is deficient in course work may complete the required courses at a regionally accredited college or university or a school of acupuncture accredited by ACAOM. The individual will be required to submit a transcript from the program indicating successful completion of the course and a course description.

(Source: Added at 25 Ill. Reg. _____)

, effective _____

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

- a) An applicant who is licensed/registered under the laws of another state or territory of the United States who wishes to be licensed in Illinois as an acupuncturist shall file an application with the Department, on forms provided by the Department, that includes:
- 1) One of the following either:
 - A) Proof of passage of the National Commission for the Certification of Acupuncturists (NCCA) or National Certification Commission for Acupuncture and Oriental Medicine (NCCAO) examination or another examination that has been approved by the Department;
 - B) Current certification from the National Certification Commission for Acupuncture and Oriental Medicine; or
 - C) Verification of meeting examination, education, apprenticeship or experience requirements as set forth in Section 1140.30 of this Part for individuals licensed in another jurisdiction prior to January 1, 2000; or
 - D) For applicants licensed after January 1, 2002, proof of:
 - i) Graduation from a school accredited by the Accreditation Commission for Acupuncture and Oriental Medicine (ACAOM) or a similar accrediting body approved by the Department; or
 - ii) Completion of a comprehensive educational program approved in accordance with Section 1140.40 by the Department;
 - iii) Successful completion of the Clean Needle Technique (CNT) Course offered by the Council of Colleges of Acupuncture and Oriental Medicine;
- 3) Certification from the jurisdiction of original licensure and the jurisdiction in which the applicant is currently licensed and practicing, if other than original, stating the time during which the applicant was licensed in that state, whether the file on the applicant contains any disciplinary actions taken or pending, and the applicant's license number;
- 4) Complete work history since completion of training and/or education; and
 - 5) The required fee specified in Section 1140.20 of this Part.
- b) The Department shall examine each endorsement application to determine whether the requirements and examination in the jurisdiction at the date of licensing were substantially equivalent to the requirements and examination of the Act or whether the applicant possesses individual qualifications that were substantially equivalent to the requirements of the Act.
- c) The Department shall either issue a license by endorsement to the applicant or notify the applicant in writing of the reasons for the denial of the application.

(Source: Amended at 25 Ill. Reg. _____)
effective _____, effective _____)

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Illinois Dental Practice Act
- 2) Code Citation: 68 Ill. Adm. Code 1220
- 3) Section Numbers: Proposed Action:
1220.240 Amendment
1220.245 Amendment
1220.530 Repealed
- 4) Statutory Authority: Illinois Dental Practice Act [225 ILCS 25]
- 5) A Complete Description of the Subjects and Issues Involved: Public Act 91-689, effective January 1, 2001, allows dental hygienists to administer local anesthetics if properly trained. These proposed amendments implement this provision and establish the number of hours of training required, course curriculum, etc., in Section 1220.240. Individuals graduating after January 1, 1999 from an approved hygienist program that included administration of local anesthetics in its curriculum will not be required to complete additional courses, nor will hygienists previously licensed in another state where they were authorized to administer local anesthetics. Section 1220.245, regarding duties of dental assistants, is amended by permitting dental assistants who have graduated from an approved program or are currently certified by the Dental Assisting National Board to perform expanded duties if properly trained. Dental assistants who graduated after January 1, 1999 from an approved program that included the expanded duties shall not have to complete additional coursework. Section 1220.530, which created the Anesthesia Review Panel, is repealed.
- 6) Will these proposed amendments replace emergency amendments currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed amendments contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives (if applicable): This rulemaking has no impact on local governments.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:

Interested persons may submit written comments to:

Department of Professional Regulation
Jean A. Courtney
320 West Washington, 3rd Floor

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

TITLE 68: PROFESSIONS AND OCCUPATIONS
CHAPTER VII: DEPARTMENT OF PROFESSIONAL REGULATION
SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

PART 1220**ILLINOIS DENTAL PRACTICE ACT****SUBPART A: DENTIST**

Section	Application for Licensure
1220.100	Application for Examination
1220.110	Clinical Examinations
1220.120	System of Retaking the Clinical Sections of the Examination
1220.130	Minimum Standards for an Approved Curriculum in Dentistry
1220.140	Licensure (Repealed)
1220.150	Restricted Faculty Licenses
1220.155	Temporary Training License
1220.156	Restoration
1220.160	Renewal
1220.170	

SUBPART B: DENTAL HYGIENIST

Section	Application for Licensure
1220.200	Clinical Examination
1220.210	System of Grading (Repealed)
1220.220	System of Retaking the Clinical Examination
1220.230	Prescribed Duties of Dental Hygienists
1220.231	Prescribed Duties of Dental Assistants
1220.240	Approved Programs of Dental Hygiene
1220.245	Restoration
1220.250	Renewal
1220.260	
1220.270	

SUBPART C: DENTAL SPECIALIST

Section	Applications
1220.310	Examination
1220.320	System of Grading (Repealed)
1220.330	American Board Diplomates
1220.335	Specialty Listing (Repealed)
1220.340	Restoration
1220.350	Renewal
1220.360	

SUBPART D: GENERAL

Section	Definitions
1220.380	Reportable Diseases and Conditions
1220.400	Reporting of Adverse Occurrences
1220.405	Endorsement
1220.410	Fees
1220.415	Advertising
1220.421	Referral Services
1220.425	Employment by Corporation (Repealed)
1220.431	Renewals (Repealed)
1220.435	Continuing Education
1220.440	Granting Variances
1220.441	
SUBPART E: ANESTHESIA PERMITS	
Section	Definitions
1220.500	Anxiolysis in the Dental Office Setting
1220.505	Conscious Sedation in the Dental Office Setting, Parenteral Deep Sedation and General Anesthesia in the Dental Office Setting
1220.510	Renewal
1220.520	
1220.525	
1220.530	Anesthesia Review Panel (Repealed)
1220.540	Approved Programs in Anesthesiology
1220.550	Reporting of Adverse Occurrences (Repealed)
1220.560	Restoration of Permits
APPENDIX A	
APPENDIX A	Pre-clinical Restorative Dentistry Sub-section (Repealed)
APPENDIX B	Dental Assistant Permitted Procedures (Repealed)
APPENDIX C	Dental Hygienist Permitted Procedures (Repealed)
AUTHORITY: Implementing the Illinois Dental Practice Act [225 ILCS 25] and authorized by Section 2105-15(7) of the Civil Administrative Code of Illinois [20 ILCS 2105-15(7)].	
SOURCE: Rules and Regulations for the Administration and Enforcement of the provisions of the Illinois Dental Practice Act, effective August 16, 1967; amended at 3 Ill. Reg. 16, p. 21, effective April 21, 1979; amended at 3 Ill. Reg. 42, p. 266, effective October 3, 1979; codified at 5 Ill. Reg. 11028; emergency amendment at 6 Ill. Reg. 916, effective January 6, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 4174, effective May 24, 1982; amended at 6 Ill. Reg. 7448, effective June 15, 1982; emergency amendment at 7 Ill. Reg. 8952, effective July 15, 1983, for a maximum of 150 days; emergency expired December 12, 1983; amended at 8 Ill. Reg. 15610, effective August 15, 1984; amended at 10 Ill. Reg. 20725, effective December 1, 1986; transferred from Chapter I, 68 Ill. Adm. Code 220 (Department of Registration and Education) to Chapter VII, 68 Ill. Adm. Code 1220 (Department of Professional Regulation) pursuant to P.A. 85-225, effective January 1, 1988, at 12 Ill. Reg. 2926; amended at 13 Ill. Reg. 4191, effective March 16, 1989; amended at 13	

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

Ill. Reg. 15043, effective September 11, 1989; amended at 17 Ill. Reg. 1559, effective January 25, 1993; emergency amendment at 17 Ill. Reg. 8309, effective May 21, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 15890, effective September 21, 1993; amended at 17 Ill. Reg. 21492, effective December 1, 1993; amended at 19 Ill. Reg. 6606, effective April 28, 1995; amended at 21 Ill. Reg. 378, effective December 20, 1996; emergency amendment at 22 Ill. Reg. 2332, effective January 8, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 10574, effective June 1, 1998; amended at 22 Ill. Reg. 14880, effective July 29, 1998; amended at 23 Ill. Reg. 7294, effective June 10, 1999; amended at 24 Ill. Reg. 13992, effective August 31, 2000; amended at 25 Ill. Reg. _____, effective _____.

SUBPART B: DENTAL HYGIENIST

Section 1220.240 Prescribed Duties of Dental Hygienists

- a) Dental hygienists may perform the operative procedure of dental hygiene, consisting of oral prophylaxis procedures.
- b) Dental hygienists may perform dental health education functions and may record case histories and oral conditions observed.
- c) Dental hygienists may perform all procedures that may be performed by an appropriately trained dental assistant.
- d) Dental hygienists shall not perform those procedures which constitute the practice of dentistry as described in the Illinois Dental Practice Act. Hygienists may not perform procedures that require the professional judgment and skill of a dentist. Such prohibited procedures include, but shall not be limited to, the following:
 - 1) Making denture adjustments.
 - 2) Condensing or carving amalgam restorations.
 - 3) Placing and finishing composite restorations.
 - 4) Taking final impressions for the fabrication of prosthetic appliances, crowns, bridges, inlays, onlays or other restorative or replacement dentistry.
 - 5) Permanently cementing permanent crowns or bridges.
 - 6) Permanently re-cementing permanent crowns or bridges that have come loose.
- e) Dental hygienists may administer and monitor nitrous oxide under the following conditions:
 - 1) The dental hygienist functions under the supervision of the dentist who remains in the facility;
 - 2) The dental hygienist may administer (start the flow of) nitrous oxide to the patient and control the induction of the gas, so that the patient is at a level of analgesia not anesthesia;
 - 3) The dental hygienist may remove the patient from nitrous oxide when the hygiene procedures have been completed; and
 - 4) The dental hygienist is responsible for obtaining proof of certification, validating completion of a 12 hour course relative to nitrous oxide analgesia and submitting certification to the

NOTICE OF PROPOSED AMENDMENTS

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

dentist. Such course shall have been completed no earlier than December 31, 1994. A dental hygienist who completed the 12 hour course shall complete an additional 2 hour course in nitrous oxide analgesia administration. The dental hygienist, who has not completed the 12 hour course, shall complete an approved course of 14 hours relative to the administration and monitoring of nitrous oxide analgesia and submit certification of successful completion to the dentist. Such course shall have been completed no earlier than January 1, 1998. An individual who graduated from an approved dental hygiene program after January 1, 1998 that contained nitrous oxide analgesia administration and monitoring in the curriculum shall not be required to complete the 14 hour course upon proof to the dentist of the required curriculum. Proof of nitrous oxide analgesia education shall be made available to the Department upon request. The required hours shall include both didactic and clinical components and be given by a continuing education sponsor approved pursuant to Section 1220.440 or a dental hygiene program approved by the Department pursuant to Section 1220.250.

- f) Dental hygienists may administer local anesthetics under the following conditions:
 - 1) The dental hygienist functions under the supervision of the dentist who remains in the facility.
 - 2) The dental hygienist is responsible for obtaining proof of certification, indicating successful completion of a 32 hour course that contains 24 hours of lecture and 8 hours of clinical training relative to the administration of local anesthetics and submitting certification to the dentist. An individual who graduated from an approved dental hygiene program after January 1, 1999 that contained administration of local anesthetics in the curriculum shall not be required to complete the 32 hour course upon proof to the dentist of the required curriculum. Proof of completion of education shall be made available to the Department upon request. The required hours shall include both didactic and clinical components and be given by a continuing education sponsor approved pursuant to Section 1220.440 or a dental hygiene program approved by the Department pursuant to Section 1220.250. The course shall contain at a minimum the following topics:
 - A) Patient Preevaluation, which includes dental and medical health history (e.g., drug interactions/anxiety/pain and a physical evaluation);
 - B) Pharmacology (e.g., drugs/types, vasoconstrictors, dosages, toxicity);
 - C) Recordkeeping;

- D) Anatomy/Neuroanatomy/Physiology;
- E) Armamentarium;
- F) Techniques that include adjunctive use of topical

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

G) Complications;
H) Post-operative instructions; and
I) Clinical experience that includes combining techniques for quadrant anesthesia and practical use of different techniques in all areas of oral cavity.

3) A dental hygienist who was licensed in another state and was authorized to administer local anesthesia in that jurisdiction will not be required to complete an additional course. Proof shall be submitted to the dentist and shall be made available to the Department upon request.

qf) The licensed dentist need not be present in the facility for a dental hygienist to perform the procedures set forth in this Section (except for the administration and monitoring of nitrous oxide and the administration of local anesthetics, which must be done under the direction and supervision of a dentist as outlined in subsection (e)(1)) on persons who reside in a long-term care facility licensed by the State of Illinois or a mental health or developmental disability facility operated by the Department of Mental Health and Developmental Disabilities hospital or other similar institution and are unable to travel to a dental office because of illness or infirmity. The dentist shall personally examine and diagnose the patient and determine which services are necessary to be performed, which shall be contained in a written order to the hygienist. Such order must be implemented within 90 days of its issuance and an updated medical history and oral inspection must be performed by the hygienist immediately prior to beginning the procedures to ensure that the patient's health has not changed in any manner to warrant a re-examination by the dentist.

qg) All intraoral procedures performed by a dental auxiliary, except those provided for in subsections (b) and (gf), must be examined by the supervising dentist prior to the dismissal of the patient from the facility that day.

(Source: Amended at 25 Ill. Reg. _____, effective _____)

Section 1220.245 Prescribed Duties of Dental Assistants

- a) "Dental Assistant" means an appropriately trained person who, under the supervision of a dentist, provides dental services or procedures as authorized by Section 17 of the Illinois Dental Practice Act or as prescribed by this Part. "Appropriately trained" means a person who:
- 1) Has completed formal training as a condition for administering a specific service or procedure as required by the Illinois Dental Practice Act or this Part; and
 - 2) Is considered, for all other authorized or prescribed services or procedures, by the supervising dentist to be competent to render

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

- such service or procedure as a result of on-the-job training.
- b) Provided that a dental assistant is appropriately trained pursuant to this Section and is acting under the supervision and full responsibility of a dentist, a dental assistant may perform any dental service or procedure except the following:
- 1) Any and all diagnosis of or prescription for treatment of disease, pain, deformity, deficiency, injury or physical condition of the human teeth or jaws, or adjacent structures.
 - 2) Removal of, restoration of, or addition to the hard or soft tissues of the oral cavity. For purposes of this Section, coronal polishing and acid etching of a tooth surface are not considered removal of hard or soft tissues.
 - 3) Any and all correction of malformation of teeth or of the jaws.
 - 4) Administration of anesthetics except for topical anesthetics and monitoring of nitrous oxide as specified in this Section.
 - 5) Removal of calculus from teeth.
 - 6) Taking of final impressions for the fabricating of prosthetic appliances, crowns, bridges, inlays, onlays, or other restorative or replacement dentistry.
 - 7) The operative procedure of dental hygiene consisting of oral prophylactic procedures except for coronal polishing as specified in this Section.
 - 8) Making denture adjustments.
 - 9) Condensing or carving amalgam restorations.
 - 10) Placing and finishing composite restorations.
 - 11) Permanently cementing permanent crowns or bridges.
 - 12) Permanently re-cementing permanent crowns or bridges that have come loose.
 - 13) Placement of any chemotherapeutic agent for the management of periodontal disease.
 - 14) Applying cavity bases.
 - 15) Cementing bands and/or bonding brackets.
 - 16) Performing supragingival or subgingival scaling.
 - 17) Performing pulp vitality tests.

Accreditation of the American Dental Association, or is a currently certified dental assistant as designated by the Dental Assisting National Board, Inc., may perform the following services and procedures, but only under the following terms and conditions:

- 1) Monitoring nitrous oxide, provided:

 - A) The dental assistant has completed an approved course of 12 hours relative to nitrous oxide analgesia and has submitted certification to the dentist of valid completion of such course. Such course shall have been completed no earlier than January 1, 1998. Proof shall be made available to the Department upon request. The required hours shall include

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

- both didactic and clinical components and have been designed by an educational institution such as a dental school, dental hygiene or dental association program or by an approved CE sponsor and include areas of anatomy, courses being offered by CE sponsors approved pursuant to Section 1220.440(b)(2)(N) must be preapproved by the Department prior to their initial offering and must meet the requirements set forth in this subsection (c)(1). In addition to the required hours, the assistant must be currently certified in CPR;
- B) The dental assistant is functioning under the supervision of the dentist who remains in the facility;
- C) Only a dentist or dental hygienist qualified pursuant to Section 1220.240(e) shall administer (start the flow of) nitrous oxide to the patient and control the induction of the gas so that the patient is at a level of analgesia, not anesthesia;
- D) Only a dentist or dental hygienist qualified pursuant to Section 1220.240(e) shall remove the patient from nitrous oxide when the dentist or dental hygienist has completed the procedures on the patient.
- 2) Coronal polishing, provided:
- A) The dental assistant has completed an approved course of 6 hours relative to coronal polishing and has submitted certification of successful completion to the dentist. Such course shall have been completed no earlier than January 1, 1998. Proof shall be made available to the Department upon request. The required hours shall include a minimum of 4 hours of didactic study in areas of anatomy, physiology, pharmacology and dental emergencies and 2 hours of clinical instruction and have been provided by an educational institution such as a dental school, dental hygiene or dental assistant program or by an approved CE sponsor. Courses being offered by CE sponsors approved pursuant to Section 1220.440(b)(2)(N) must be preapproved by the Department prior to their initial offering and must meet the requirements set forth in this subsection (c)(2). The assistant must pass an examination in the didactic portion of the course and the clinical portion must contain experience on human subjects;
- B) Coronal polishing shall be limited to the use of slow speed rotary instruments using a rubber cup and/or brush polishing method. The use of air polish by dental assistants is not permitted; and
- C) Coronal polishing shall be limited to polishing the clinical crown of the tooth and existing restoration, supragingivally;

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

- D) A dentist shall be limited to supervising four dental assistants at any one time for the task of coronal polishing.
- 3) Pit and fissure sealant application, provided:
- A) The dental assistant has completed a course of at least 2 hours of didactic study and 2 hours of clinical instruction; prior to being permitted to place sealants in accord with this Section, the supervising dentist has personally observed the dental assistant successful place 6 pit and fissure sealants;
- C) The supervising dentist must document that the training has been completed; and
- D) The supervising dentist is responsible for examining the patient prior to and following the placement of sealants by a dental assistant.
- d) An individual who graduated from an approved dental assisting program after January 1, 1999 that contained monitoring of nitrous oxide, coronal polishing, and sealant application in the curriculum shall not be required to complete an additional course or courses in these areas as prescribed in this Section upon proof to the dentist of having successfully completed the required curriculum.
- e) All intraoral procedures performed by a dental assistant must be examined by the supervising dentist prior to the dismissal of the patient from the facility that day.

(Source: Amended at 25 Ill. Reg. _____)

SUBPART E: ANESTHESIA PERMITS

- Section 1220.530 Anesthesia Review Panel (Repealed)
- a) The Director shall appoint upon recommendation of the Board—an Anesthesia Review Panel that shall consist of 5 members.
- b) The members shall meet the following minimum requirements:
- i) Each member shall be a licensed dentist in the State of Illinois whose license is active and in good standing;
- ii) Two members shall hold an active Permit-A;
- iii) Three members shall hold an active Permit-B;
- c) The Panel shall:
- i) Meet at the direction of the Board of Dentistry or the Director;
- ii) Be paid a per diem and be reimbursed for all legitimate necessary and authorized expenses incurred in attending the meetings of the Panel;
- 3) Review—Permit-A and Permit-B applications in accordance with the provisions of Sections 1220.510 and 1220.520;
- 4) Recommend to the Board the eligibility of applicants;
- 5) Recommend to the Board when an on-site inspection may be

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

- 6) Evaluate results of on-site inspection and make recommendation to the Board as to eligibility of applicants and the Board in regard to anesthesiaiology-related matters that include mortality and morbidity statistics?
- 7) Advise the Board in regard to anesthesiaiology-related matters that include mortality and morbidity statistics?
- d) Each Panel member shall serve a 4-year term and may be reappointed once.

(Source: Repealed at 25 Ill. Reg. _____, effective _____)

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

- necessary and conduct inspection with a Board member present to evaluate results of on-site inspection and the Board as to eligibility of applicants and the Board in regard to anesthesiaiology-related matters that include mortality and morbidity statistics?

- 6) Evaluate results of on-site inspection and make recommendation to the Board as to eligibility of applicants and the Board in regard to anesthesiaiology-related matters that include mortality and morbidity statistics?
- 7) Advise the Board in regard to anesthesiaiology-related matters that include mortality and morbidity statistics?
- d) Each Panel member shall serve a 4-year term and may be reappointed once.

(Source: Repealed at 25 Ill. Reg. _____, effective _____)

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

- necessary and conduct inspection with a Board member present to evaluate results of on-site inspection and the Board as to eligibility of applicants and the Board in regard to anesthesiaiology-related matters that include mortality and morbidity statistics?

- 6) Evaluate results of on-site inspection and make recommendation to the Board as to eligibility of applicants and the Board in regard to anesthesiaiology-related matters that include mortality and morbidity statistics?
- 7) Advise the Board in regard to anesthesiaiology-related matters that include mortality and morbidity statistics?
- d) Each Panel member shall serve a 4-year term and may be reappointed once.

(Source: Repealed at 25 Ill. Reg. _____, effective _____)

- 6) Evaluate results of on-site inspection and make recommendation to the Board as to eligibility of applicants and the Board in regard to anesthesiaiology-related matters that include mortality and morbidity statistics?

- 7) Advise the Board in regard to anesthesiaiology-related matters that include mortality and morbidity statistics?
- d) Each Panel member shall serve a 4-year term and may be reappointed once.

(Source: Repealed at 25 Ill. Reg. _____, effective _____)

- 1) Heading of the Part: Private Detective, Private Alarm, Private Security, and Locksmith Act of 1993
- 2) Code Citation: 68 Ill. Adm. Code 1240
- 3) Section Numbers:
- | | |
|----------|-----------|
| 1240.41 | Amendment |
| 1240.47 | Amendment |
| 1240.140 | Amendment |
- 4) Statutory Authority: Private Detective, Private Alarm, Private Security, and Locksmith Act of 1993 [225 ILCS 446]
- 5) A Complete Description of the Subjects and Issues Involved: Changes were added to Section 1240.41 for employees of detective, security and alarm agencies and Section 1240.140 for locksmith agencies to clarify the administrative process by which applicants and registrants may be denied, revoked or suspended, including their right to a hearing and the scheduling of an informal conference prior to the hearing in an effort to resolve issues in controversy consensually. Section 1240.47 is amended to require agencies submitting notice to the Department that a licensee or employee has failed to return badges, ID cards or other equipment issued by the agency to the employee to first file a police report and submit the report to the Department.

- 6) Will these proposed amendments replace emergency amendments currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed amendments contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives (if applicable): This rulemaking has no impact on local government.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:

Interested persons may submit written comments to:

Department of Professional Regulation
Attention: Jean A. Courtney
320 West Washington, 3rd Floor
Springfield IL 62786
217/785-0813 Fax #: 217/782-7645

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

All written comments received within 45 days of this issue of the Illinois Register will be considered.

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: Private detectives, security contractors, alarm contractors, locksmiths, and agencies and employees regulated under the Act will be affected.

B) Reporting, bookkeeping or other procedures required for compliance:
None

C) Types of professional skills necessary for compliance: Training and/or experience in various security or other related areas are necessary for licensure.

13) Regulatory Agenda on which this rulemaking was summarized: July 2000

The full text of the Proposed Amendments begins on the next page:

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

TITLE 68: PROFESSIONS AND OCCUPATIONS
CHAPTER VII: DEPARTMENT OF PROFESSIONAL REGULATION
SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

PART 1240

PRIVATE DETECTIVE, PRIVATE ALARM,
PRIVATE SECURITY, AND LOCKSMITH ACT OF 1993

SUBPART A: PRIVATE DETECTIVE, PRIVATE ALARM AND PRIVATE SECURITY

Section	
1240.5	Licensure Under Section 6 of the Act (Repealed)
1240.7	Exemptions Under Section 30 of the Act
1240.10	Application for Examination and Licensure - Private Detective and Private Security Contractor
1240.15	Application for Examination and Licensure - Private Alarm Contractor
1240.16	Registration of Proprietary Security Force
1240.20	20-Hour Basic Training Course - General
1240.25	20-Hour Basic Training Course - Security Guards and Alarm Runners
1240.30	Firearm Training Course
1240.35	Approval of Training Programs and Instructors
1240.40	Permanent Employee Registration Cards
1240.41	Refusal to Issue Employee Registration Card or Firearm Authorization Card Due to Criminal History Record Information
1240.45	Firearm Authorization Cards
1240.46	Recordkeeping Requirements
1240.47	Reporting Requirements
1240.48	Uniforms
1240.50	Renewals
1240.51	Requests for Duplicate Certificates (Renumbered)
1240.55	Endorsement
1240.60	Restoration
1240.65	Conduct of Hearings (Renumbered)
1240.66	Investigation by the Department (Renumbered)
1240.70	Granting Variances (Renumbered)

SUBPART B: LOCKSMITH

Section	
1240.100	Application for Licensure without Examination - Grandfather (Repealed)
1240.110	Application for Examination and Licensure - Locksmith
1240.120	20 Hour Basic Training Course - Locksmith
1240.130	Permanent Employee Registration Cards
1240.140	Refusal to Issue Employee Registration Card
1240.150	Recordkeeping Requirements
1240.160	Reporting Requirements
1240.170	Renewals

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

Section 1240.180 Endorsement
 1240.190 Restoration
 1240.200 Requests for Duplicate Certificates
 1240.205 Fees
 1240.210 Conduct of Hearings
 1240.220 Investigation by the Department
 1240.230 Granting Variances

AUTHORITY: Implementing the Private Detective, Private Alarm, Private Security, and Locksmith Act of 1993 [225 ILCS 446] and authorized by Section 2105-15(7) of the Civil Administrative Code of Illinois [20 ILCS 2105-15(7)].

SOURCE: Rules and Regulations Promulgated for the Administration of the Illinois Detective Act, effective October 7, 1975; amended at 4 Ill. Reg. 22, p. 251, effective May 15, 1980; codified at 5 Ill. Reg. 11032; emergency amendment at 6 Ill. Reg. 916, effective January 6, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 7448, effective June 15, 1982; amended at 6 Ill. Reg. 8208, effective July 15, 1982; emergency amendment at 8 Ill. Reg. 903, effective January 6, 1984, for a maximum of 150 days; Part repealed and new Part adopted at 9 Ill. Reg. 18512, effective November 15, 1985; transferred from Chapter I, 68 Ill. Adm. Code 240 (Department of Registration and Education) to Chapter VII, 68 Ill. Adm. Code 1240 (Department of Professional Regulation) pursuant to P.A. 85-225, effective January 1, 1988, at 12 Ill. Reg. 2967; amended at 12 Ill. Reg. 20143, effective November 18, 1988; amended at 15 Ill. Reg. 3051, effective February 11, 1991; amended at 17 Ill. Reg. 1579, effective January 26, 1993; amended at 19 Ill. Reg. 954, effective January 17, 1995; amended at 19 Ill. Reg. 11473, effective July 28, 1995; emergency amendment at 19 Ill. Reg. 13460, effective September 8, 1995, for a maximum of 150 days; amended at 20 Ill. Reg. 3191, effective February 2, 1996; emergency amendment at 20 Ill. Reg. 14924, effective October 31, 1996, for a maximum of 150 days; amended at 21 Ill. Reg. 3135, effective March 4, 1997; amended at 24 Ill. Reg. 587, effective December 31, 1999; amended at 25 Ill. Reg. _____, effective _____.

SUBPART A: PRIVATE DETECTIVE, PRIVATE ALARM AND PRIVATE SECURITY

Section 1240.41 Refusal to Issue Employee Registration Card or Firearm Authorization Card Due to Criminal History Record Information

- a) For purposes of this Section, criminal history record information is defined as information collected by criminal justice agencies (defined in 20 ILCS 2630) on individuals consisting of identifiable descriptions and notation of arrests, detention, indictments,

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

information, or other formal criminal charges, and any disposition arising therefrom, sentencing, correctional supervision and release. The individual records must contain both information sufficient to identify the subject of the record and notations regarding any formal criminal justice transaction involving the identified individual.

- b) In determining whether an applicant for a permanent employee registration card or firearm authorization card is unfit for such registration because of criminal history record information, the Department shall consider the following standards:
 - 1) Whether the crime(s) was one of armed violence [720 ILCS 5/Art. 33A] or moral turpitude. Moral turpitude consists of:
 - A) Crimes involving dishonesty, false statement or some other element of deceit, untruthfulness or falsification (including, but not limited to perjury, inducement of perjury, false statement, criminal fraud, embezzlement, false pretense, forgery, counterfeiting and theft).
 - B) Drug offenses including but not limited to the Illinois Controlled Substances Act [720 ILCS 570/Art. I] and Federal Drug Enforcement Laws, 21 USC 87-S-E- 801 et seq.
 - C) Sex offenses including, but not limited to, all crimes listed in Article 11 of the Criminal Code of 1961 [720 ILCS 5/Art. XI].

- 2) Whether the crime is related to the detective, security or alarm profession.
- 3) Whether more than 10 years have elapsed since the date of completion of imposed sentence.
- 4) Whether the conviction was from a city ordinance violation or conviction for which a jail sentence was not imposed.
- 5) Whether the applicant has been sufficiently rehabilitated to warrant the public trust. The Department shall consider, but not be bound by, the following in considering whether an applicant has been presumed to be rehabilitated:
 - A) Completion of probation;
 - B) Completion of parole supervision; or
 - C) If no parole was granted, a period of 10 years has elapsed after final discharge or release from any term of imprisonment without any subsequent conviction.

- c) If any one of the following factors exist, this outweighs the presumption of rehabilitation as defined in subsection (b)(5) set above:
 - 1) Lack of compliance with terms of punishment (i.e., failure to pay fines or make restitution, violation of the terms of probation or parole);
 - 2) Unwillingness to undergo, or lack of cooperation in, medical or psychiatric treatment/counseling;
 - 3) Falsification of an application for registration with the Department;
 - 4) Failure to furnish to the Department additional information or

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

failure to appear for an interview or meeting a conference with the Department in relation to the applicant's application for registration.

d) The following criminal history records shall not be considered in connection with an application for registration:

- 1) Juvenile adjudications;
- 2) Records of arrest not followed by a conviction;
- 3) Convictions overturned by a higher court;
- 4) Convictions which have been the subject of a pardon or expungement.

- e) Notification of denial, revocation, suspension, or intent to refuse to renew; request for hearing

 - 1) If the determination is made that the applicant or registrant is unfit for licensure, the Department shall send notice of denial, revocation, suspension, or intent to refuse to renew by certified mail, return receipt requested, to the applicant or registrant at the address stated on the applicant's or registrant's last known address or by personal delivery to the applicant or registrant. All such notices will include a statement of the reason for the Department's action.

2) An applicant or registrant may request a hearing to contest the Department's action pursuant to 68 Ill. Adm. Code 1110. The

³¹ For purposes of this section criminal history record

- For purposes of this section, criminal history record information is defined as information collected by criminal justice agencies (defined in the Criminal Identification Act [20 ILCS 2630]) on individuals consisting of identifiable descriptions and notation of arrests, detention, indictments, information, or other formal criminal charges, and any disposition arising therefrom, sentencing, correctional supervision and release. The individual records must contain both information sufficient to identify the subject of the record and notations regarding any formal criminal justice transaction involving

b) In determining whether an applicant for a permanent employee

registration card is unfit for such registration because of criminal

(Source): Amended at 25 III: Req. effective

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

- C) Sex offenses including, but not limited to, all crimes listed in Article 11 of the Criminal Code of 1961 [720 ILCS 5/Art. 11].
- 2) Whether the crime is related to the locksmith, detective, security or alarm profession.
- 3) Whether more than a 10 year period has elapsed since the date of completion of the imposed sentence.
- 4) Whether the conviction was from a city ordinance violation or conviction for which a jail sentence was not imposed.
- 5) Whether the applicant has been sufficiently rehabilitated to warrant the public trust. The Department shall consider, but not be bound by, the following in considering whether an applicant has been presumed to be rehabilitated:
- Completion of probation;
 - Completion of parole supervision; or
 - If no parole was granted, a period of 10 years has elapsed after final discharge or release from any term of imprisonment without any subsequent conviction.
- c) If any one of the following factors exists, this outweighs the presumption of rehabilitation as defined in subsection (b)(5) above:
- Lack of compliance with terms of punishment (i.e., failure to pay fines or make restitution, violation of the terms of probation or parole);
 - Unwillingness to undergo, or lack of cooperation in, medical or psychiatric treatment/counseling;
 - Falsification of an application for registration with the Department;
 - Failure to furnish to the Department additional information or failure to appear for a conference with the Department in relation to the applicant's application for registration.

- d) The following criminal history records shall not be considered in connection with an application for registration:
- Juvenile adjudications;
 - Records of arrest not followed by a conviction;
 - Convictions overturned by a higher court;
 - Convictions that have been the subject of a pardon or expungement.

- e) Notification of denial, revocation, suspension, or intent to refuse to renew; request for hearing

- 1) If the determination is made that the applicant or registrant is unfit for licensure, the Department shall send notice of denial, revocation, suspension, or intent to refuse to renew by certified mail, return receipt requested, to the applicant or registrant at the address stated on the applicant's or registrant's last known address or by personal delivery to the applicant or registrant. All such notices will include a statement of the reason for the Department's action.

- 2) An applicant or registrant may request a hearing to contest the Department's action.

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

- Department's action pursuant to 68 Ill. Adm. Code 1110. The request shall be in writing and must be received by the Department not later than 20 days after the date the Department mailed or personally delivered the notice of its action to the applicant or registrant.
- 3) After receipt of a request for hearing and prior to the hearing, the Department shall schedule an informal conference with the applicant in an attempt to resolve issues in controversy consensually. The Department shall notify the applicant of the informal conference at least 20 days prior to the hearing. Failure by the applicant to attend the informal conference shall act as a withdrawal of the applicant's request for a hearing.
- e† If-determination-is-made-that-the-applicant-is-unfit-for-registration-the--applicant--shall--be--so--notified-in-writing-that-the-Department-intends-to-deny-or-intends-to-refuse-to-renew-the--permanent--employee-registration--card.--The--applicant/license--shall--be--given--an--opportunity-to-appear-at-a-Department-conference-regarding-the-matter. Failure-to-appear-at-the-conference-shall-result-in-the-denial--of--or the--refusal--to--renew--an--applicant's--permanent--employee--registration card.--If--the--applicant--chooses--not--to--attend--the--conference--he/she may--request--a--format--hearing--regarding--such--determination--prior--to final-action-by-the-Department-in-accordance-with-68--Ill.---Adm.---Code 1110.

(Source: Amended at 25 Ill. Reg. _____, effective _____)

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Medical Payment
140.642 Amendment March 2, 2001 (25 Ill. Reg. 3190)
140.850 Amendment April 20, 2001 (25 Ill. Reg. 5600)
140.855 Amendment April 20, 2001 (25 Ill. Reg. 5600)
- 2) Code Citation: 89 Ill. Adm. Code 140
- 3) Section Numbers:
140.475 Amendment
140.476 Amendment
140.477 Amendment
140.478 Amendment
140.479 Amendment
140.480 Amendment
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]
- 5) Complete Description of the Subjects and Issues Involved: These proposed changes to the Department's rules on medical payment pertain to coverage for medical equipment and supplies, prosthetic devices and orthotic devices. The amendments specify new licensure requirements regarding participating providers as imposed by any applicable licensure Act including the Home Medical Equipment and Services Provider License Act. Other changes allow the Department to deny payment for the repair or replacement of equipment and devices when evidence indicates that the damage or loss resulted from abuse of the equipment. Proposed changes also suspend prior approval requirements when the physician orders medical supplies in an amount that is less than the maximum allowable quantity limits established by the Department.

The Department requests the submission of written comments within 30 days after the publication of this notice. The Department will consider all written comments it receives during the first notice period as required by Section 5-40 of the Illinois Administrative Procedure Act [5 ILCS 100/5-40].

These proposed amendments may have an impact on small businesses, small municipalities, and not-for-profit corporations as defined in Sections 1-75, 1-80 and 1-85 of the Illinois Administrative Procedure Act [5 ILCS 100/1-75, 1-80, 1-85]. These entities may submit comments in writing to the Department at the above address in accordance with the regulatory flexibility provisions in Section 5-30 of the Illinois Administrative Procedure Act [5 ILCS 100/5-30]. These entities shall indicate their status as small businesses, small municipalities, or not-for-profit corporations as part of any written comments they submit to the Department.

- 6) Will these proposed amendments replace emergency amendments currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? Yes
- 8) Do these proposed amendments contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? Yes
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: Suppliers of medical equipment and supplies, and prosthetic and orthotic devices
- B) Reporting, bookkeeping or other procedures required for compliance:
- | Sections | Proposed Action | Illinois Register Citation |
|----------|-----------------|-------------------------------------|
| 140.400 | Amendment | March 16, 2001 (25 Ill. Reg. 3806) |
| 140.435 | Amendment | March 16, 2001 (25 Ill. Reg. 3806) |
| 140.436 | Amendment | March 16, 2001 (25 Ill. Reg. 3806) |
| 140.494 | Amendment | August 4, 2000 (24 Ill. Reg. 11539) |
- C) Types of professional skills necessary for compliance: None
- D) Regulatory Agenda on which this Rulemaking was Summarized: This

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

rulemaking was not included on either of the two most recent regulatory agendas because: This rulemaking was not anticipated by the Department when the most recent regulatory agendas were published.

The full text of the Proposed Amendments begins on the next page:

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER d: MEDICAL PROGRAMS

PART 140
MEDICAL PAYMENT

SUBPART A: GENERAL PROVISIONS

Section	
140.1	Incorporation By Reference Medical Assistance Programs
140.2	Covered Services Under Medical Assistance Programs
140.3	Covered Medical Services Under AFDC-MANG for non-pregnant persons who are 18 years of age or older (Repealed)
140.4	Covered Medical Services Under General Assistance
140.5	Medical Services Not Covered
140.6	Medical Assistance Provided to Individuals Under the Age of Eighteen Who Do Not Qualify for AFDC and Children Under Age Eight
140.7	Medical Assistance For Qualified Severely Impaired Individuals
140.8	Medical Assistance for a Pregnant Woman Who Would Not Be Categorically Eligible for AFDC/AFDC-MANG if the Child Were Already Born Or Who Do Not Qualify As Mandatory Categorically Needy
140.9	Medical Assistance Provided to Incarcerated Persons
140.10	

SUBPART B: MEDICAL PROVIDER PARTICIPATION

Section	
140.11	Enrollment Conditions for Medical Providers
140.12	Participation Requirements for Medical Providers
140.13	Definitions
140.14	Denial of Application to Participate in the Medical Assistance Program
140.15	Recovery of Money
140.16	Termination or Suspension of a Vendor's Eligibility to Participate in the Medical Assistance Program
140.17	Suspension of a Vendor's Eligibility to Participate in the Medical Assistance Program
140.18	Effect of Termination on Individuals Associated with Vendor Application to Participate or for Reinstatement Subsequent to Termination, Suspension or Barring
140.19	Submittal of Claims
140.20	Covered Medicaid Services for Qualified Medicare Beneficiaries (QMBs)
140.21	Magnetic Tape Billings (Repealed)
140.22	Payment of Claims
140.23	Payment Procedures
140.24	Overpayment or Underpayment of Claims
140.25	Payment to Factors Prohibited
140.26	

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

140.27	Assignment of Vendor Payments
140.28	Record Requirements for Medical Providers
140.30	Audits
140.31	Emergency Services Audits
140.32	Prohibition on Participation, and Special Permission for Participation
140.33	Publication of List of Terminated, Suspended or Barred Entities
140.35	False Reporting and Other Fraudulent Activities
140.40	Prior Approval for Medical Services or Items
140.41	Prior Approval in Cases of Emergency
140.42	Limitation on Prior Approval
140.43	Post Approval for items or Services When Prior Approval Cannot Be Obtained
140.55	Recipient Eligibility Verification (REV) System
140.71	Reimbursement for Medical Services Through the Use of a C-13 Invoice
140.72	Voucher Advance Payment and Expedited Payments
140.73	Drug Manual (Recodified)
	Drug Manual Updates (Recodified)

SUBPART C: PROVIDER ASSESSMENTS

Section	Hospital Provider Fund
140.80	Developmentally Disabled Care Provider Fund
140.82	Long Term Care Provider Fund
140.84	Medicaid Developmentally Disabled Provider Participation Fee Trust Fund
140.94	Fund/Medicaid Long Term Care Provider Participation Fee Trust Fund
140.95	Hospital Services Trust Fund
140.96	General Requirements (Recodified)
140.97	Special Requirements (Recodified)
140.98	Covered Hospital Services (Recodified)
140.99	Hospital Services Not Covered (Recodified)
140.100	Limitation On Hospital Services (Recodified)
140.101	Transplants (Recodified)
140.102	Heart Transplants (Recodified)
140.103	Liver Transplants (Recodified)
140.104	Bone Marrow Transplants (Recodified)
140.110	Disproportionate Share Hospital Adjustments (Recodified)
140.116	Payment for Inpatient Services for GA (Recodified)
140.117	Hospital Outpatient and Clinic Services (Recodified)
140.200	Payment for Hospital Services During Fiscal Year 1982 (Recodified)
140.201	Payment for Hospital Services After June 30, 1982 (Repealed)
140.202	Payment for Hospital Services During Fiscal Year 1983 (Recodified)
140.203	Limits on Length of Stay by Diagnosis (Recodified)
140.300	Payment for Pre-operative Days and Services Which Can Be Performed in an Outpatient Setting (Recodified)
140.350	Copayments (Recodified)
140.360	Payment Methodology (Recodified)

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

140.361	Non-Participating Hospitals (Recodified)
140.362	Pre July 1, 1989 Services (Recodified)
140.363	Post June 30, 1989 Services (Recodified)
140.364	Prepayment Review (Recodified)
140.365	Base Year Costs (Recodified)
140.366	Restructuring Adjustment (Recodified)
140.367	Inflation Adjustment (Recodified)
140.368	Volume Adjustment (Repealed)
140.369	Groupings (Recodified)
140.370	Rate Calculation (Recodified)
140.371	Payment (Recodified)
140.372	Review Procedure (Recodified)
140.373	Utilization (Repealed)
140.374	Alternatives (Recodified)
140.375	Exemptions (Recodified)
140.376	Utilization, Case-Mix and Discretionary Funds (Repealed)
140.377	Subacute Alcoholism and Substance Abuse Services (Recodified)
140.390	Definitions (Recodified)
140.391	Types of Subacute Alcoholism and Substance Abuse Services (Recodified)
140.392	Payment for Subacute Alcoholism and Substance Abuse Services (Recodified)
140.393	Payment for Subacute Alcoholism and Substance Abuse Services (Recodified)
140.394	Rate Appeals for Subacute Alcoholism and Substance Abuse Services (Recodified)
140.395	Hearings (Recodified)

SUBPART D: PAYMENT FOR NON-INSTITUTIONAL SERVICES

Section	Payment to Practitioners, Nurses and Laboratories
140.400	Payment to Physicians
140.410	Covered Services By Physicians
140.411	Services Not Covered By Physicians
140.412	Limitation on Physician Services
140.413	Requirements for Prescriptions and Dispensing of Pharmacy Items - Physicians
140.414	Optometric Services and Materials
140.415	Limitations on Optometric Services
140.416	Department of Corrections Laboratory
140.417	Dental Services
140.418	Limitations on Dental Services
140.420	Requirements for Prescriptions and Dispensing of Pharmacy Items - Dentists
140.421	Podiatry Services
140.422	Limitations on Podiatry Services
140.423	Requirements for Prescriptions and Dispensing of Pharmacy Items - Podiatrists
140.424	Items - Chiropractic Services
140.425	Limitations on Chiropractic Services
140.426	Requirements for Prescriptions and Dispensing of Pharmacy Items - Chiropractic Services
140.427	Items - Chiropractic Services

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

140.429	Limitations on Chiropractic Services (Repealed)	
140.430	Independent Clinical Laboratory Services	
140.431	Services Not Covered by Independent Clinical Laboratories	
140.432	Limitations on Independent Clinical Laboratory Services	
140.433	Payment for Clinical Laboratory Services	
140.434	Record Requirements for Independent Clinical Laboratories	
140.435	Nurse Services	
140.436	Limitations on Nurse Services	
140.438	Imaging Centers	
140.440	Pharmacy Services	
140.441	Pharmacy Services Not Covered	
140.442	Prior Approval of Prescriptions	
140.443	Filling of Prescriptions	
140.444	Compounded Prescriptions	
140.445	Legend Prescription Items (Not Compounded)	
140.446	Over-the-Counter Items	
140.447	Reimbursement	
140.448	Returned Pharmacy Items	
140.449	Payment of Pharmacy Items	
140.450	Record Requirements for Pharmacies	
140.451	Prospective Drug Review and Patient Counseling	
140.452	Mental Health Clinic Services	
140.453	Definitions	
140.454	Types of Mental Health Clinic Services	
140.455	Payment for Mental Health Clinic Services	
140.456	Hearings	
140.457	Therapy Services	
140.458	Prior Approval for Therapy Services	
140.459	Payment for Therapy Services	
140.460	Clinic Services	
140.461	Clinic Participation, Data and Certification Requirements	
140.462	Covered Services in Clinics	
140.463	Clinic Service Payment	
140.464	Healthy Moms/Healthy Kids Managed Care Clinics (Repealed)	
140.465	Speech and Hearing Clinics (Repealed)	
140.466	Rural Health Clinics	
140.467	Independent Clinics	
140.469	Hospice	
140.470	Home Health Services	
140.471	Home Health Covered Services	
140.472	Types of Home Health Services	
140.473	Prior Approval for Home Health Services	
140.474	Payment for Home Health Services	
140.475	Medical Equipment, Supplies, and Prosthetic Devices and Orthotic Devices	
140.476	Medical Equipment, Supplies, and Prosthetic Devices and Orthotic Devices for Which Payment Will Not Be Made	
140.477	Limitations on Equipment, Supplies and Prosthetic Devices and	

NOTICE OF PROPOSED AMENDMENTS

140.478	Orthotic Devices Prior Approval for Medical Equipment, Supplies, and Prosthetic Devices and Orthotic Devices	
140.479	Limitations, Medical Supplies	
140.480	Equipment Rental Limitations	
140.481	Payment for Medical Equipment, Supplies, Prosthetic Devices and Hearing Aids	
140.482	Family Planning Services	
140.483	Limitations on Family Planning Services	
140.484	Payment for Family Planning Services	
140.485	Healthy Kids Program	
140.486	Limitations on Medichek Services (Repealed)	
140.487	Healthy Kids Program Timeliness Standards	
140.488	Periodicity Schedule, Immunizations and Diagnostic Procedures	
140.490	Medical Transportation	
140.491	Limitations on Medical Transportation	
140.492	Payment for Medical Transportation	
140.493	Payment for Helicopter Transportation	
140.495	Psychological Services	
140.496	Payment for Psychological Services	
140.497	Hearing Aids	
SUBPART E: GROUP CARE		
140.500	Long Term Care Services	
140.502	Cessation of Payment at Federal Direction	
140.503	Cessation of Payment for Improper Level of Care	
140.504	Cessation of Payment Because of Termination of Facility	
140.505	Informal Hearing Process for Denial of Payment for New Admissions	
140.506	Provider Voluntary Withdrawal	
140.507	Continuation of Provider Agreement	
140.510	Determination of Need for Group Care	
140.511	Long Term Care Services Covered by Department Payment	
140.512	Utilization Control	
140.513	Utilization Review Plan (Repealed)	
140.514	Certifications and Recertifications of Care	
140.515	Management of Recipient Funds--Personal Allowance Funds	
140.516	Recipient Management of Funds	
140.517	Correspondent Management of Funds	
140.518	Facility Management of Funds	
140.519	Use or Accumulation of Funds	
140.520	Management of Recipient Funds--Local Office Responsibility	
140.521	Room and Board Accounts	
140.522	Reconciliation of Recipient Funds	
140.523	Bed Reserves	

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

140.524	Cessation of Payment Due to Loss of License	140.577	Capital Costs for Rented Facilities (Renumbered)
140.525	Quality Incentive Program (QUIP) Payment Levels	140.578	Property Taxes
140.526	Quality Incentive Standards and Criteria for the Quality Incentive Program (QUIP) (Repealed)	140.579	Specialized Living Centers
140.527	Quality Incentive Survey (Repealed)	140.580	Mandated Capital Improvements (Repealed)
140.528	Payment of Quality Incentive (Repealed)	140.581	Qualifying as Mandated Capital Improvement (Repealed)
140.529	Reviews (Repealed)	140.582	Cost Adjustments
140.530	Basis of Payment for Long Term Care Services	140.583	Campus Facilities
140.531	General Service Costs	140.584	Illinois Municipal Retirement Fund (IMRF)
140.532	Health Care Costs	140.590	Audit and Record Requirements
140.533	General Administration Costs	140.642	Screening Assessment for Nursing Facility and Alternative Residential Settings and Services
140.534	Ownership Costs	140.643	In-Home Care Program
140.535	Costs for Interest, Taxes and Rent	140.645	Home and Community Based Services Waivers for Medically Fragile, Technology Dependent, Disabled Persons Under Age 21
140.536	Organization and Pre-Operating Costs	140.646	Reimbursement for Developmental Disabilities Training (DT) Services for Individuals With Developmental Disabilities Who Reside in Long Term Care (ICF AND SNF) and Residential (ICF/MR) Facilities
140.537	Payments to Related Organizations	140.647	Description of Developmental Training (DT) Services
140.538	Special Costs	140.648	Determination of the Amount of Reimbursement for Developmental Training (DT) Programs
140.539	Reimbursement for Basic Nursing Assistant, Developmental Disabilities Aide, Basic Child Care Aide and Habilitation Aide Training and Nursing Assistant Competency Evaluation	140.649	Effective Dates of Reimbursement for Developmental Training (DT) Programs
140.540	Costs Associated With Nursing Home Care Reform Act and Implementing Regulations	140.650	Certification of Developmental Training (DT) Programs
140.541	Salaries Paid to Owners or Related Parties	140.651	Decertification of Day Programs
140.542	Cost Reports-Filing Requirements	140.652	Terms of Assurances and Contracts
140.543	Time Standards for Filing Cost Reports	140.653	Effective Date Of Payment Rate
140.544	Access to Cost Reports (Repealed)	140.680	Discharge of Long Term Care Residents
140.545	Penalty for Failure to File Cost Reports	140.700	Appeals of Rate Determinations
140.550	Update of Operating Costs	140.830	Determination of Cap on Payments for Long Term Care (Repealed)
140.551	General Service Costs	140.835	
140.552	Nursing and Program Costs		
140.553	General Administrative Costs		
140.554	Component Inflation Index		
140.555	Minimum Wage		
140.560	Components of the Base Rate Determination		
140.561	Support Costs Components		
140.562	Nursing Costs	140.850	General Description (Repealed)
140.563	Capital Costs	140.855	Definition of Terms (Repealed)
140.565	Kosher Kitchen Reimbursement	140.860	Covered Services (Repealed)
140.566	Out-of-State Placement	140.865	Sponsor Qualifications (Repealed)
140.567	Level II Incentive Payments (Repealed)	140.870	Sponsor Responsibilities (Repealed)
140.568	Duration of Incentive Payments (Repealed)	140.875	Department Responsibilities (Repealed)
140.569	Clients With Exceptional Care Needs	140.880	Provider Qualifications (Repealed)
140.570	Capital Rate Component Determination	140.885	Provider Responsibilities (Repealed)
140.571	Capital Rate Calculation	140.890	Payment Methodology (Repealed)
140.572	Total Capital Rate	140.895	Contract Monitoring (Repealed)
140.573	Other Capital Provisions	140.896	Reimbursement For Program Costs (Active Treatment) For Clients In Long Term Care Facilities For the Developmentally Disabled
140.574	Capital Rates for Rented Facilities	140.900	(Reclassified)
140.575	Newly Constructed Facilities (Repealed)		Reimbursement For Nursing Costs For Geriatric Residents in Group Care Facilities (Reclassified)
140.576	Renovations (Repealed)		

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

140.524	Cessation of Payment Due to Loss of License	140.577	Capital Costs for Rented Facilities (Renumbered)
140.525	Quality Incentive Program (QUIP) Payment Levels	140.578	Property Taxes
140.526	Quality Incentive Standards and Criteria for the Quality Incentive Program (QUIP) (Repealed)	140.579	Specialized Living Centers
140.527	Quality Incentive Survey (Repealed)	140.580	Mandated Capital Improvements (Repealed)
140.528	Payment of Quality Incentive (Repealed)	140.581	Qualifying as Mandated Capital Improvement (Repealed)
140.529	Reviews (Repealed)	140.582	Cost Adjustments
140.530	Basis of Payment for Long Term Care Services	140.583	Campus Facilities
140.531	General Service Costs	140.584	Illinois Municipal Retirement Fund (IMRF)
140.532	Health Care Costs	140.590	Audit and Record Requirements
140.533	General Administration Costs	140.642	Screening Assessment for Nursing Facility and Alternative Residential Settings and Services
140.534	Ownership Costs	140.643	In-Home Care Program
140.535	Costs for Interest, Taxes and Rent	140.645	Home and Community Based Services Waivers for Medically Fragile, Technology Dependent, Disabled Persons Under Age 21
140.536	Organization and Pre-Operating Costs	140.646	Reimbursement for Developmental Disabilities Training (DT) Services for Individuals With Developmental Disabilities Who Reside in Long Term Care (ICF AND SNF) and Residential (ICF/MR) Facilities
140.537	Payments to Related Organizations	140.647	Description of Developmental Training (DT) Services
140.538	Special Costs	140.648	Determination of the Amount of Reimbursement for Developmental Training (DT) Programs
140.539	Reimbursement for Basic Nursing Assistant, Developmental Disabilities Aide, Basic Child Care Aide and Habilitation Aide Training and Nursing Assistant Competency Evaluation	140.649	Effective Dates of Reimbursement for Developmental Training (DT) Programs
140.540	Costs Associated With Nursing Home Care Reform Act and Implementing Regulations	140.650	Certification of Developmental Training (DT) Programs
140.541	Salaries Paid to Owners or Related Parties	140.651	Decertification of Day Programs
140.542	Cost Reports-Filing Requirements	140.652	Terms of Assurances and Contracts
140.543	Time Standards for Filing Cost Reports	140.653	Effective Date Of Payment Rate
140.544	Access to Cost Reports (Repealed)	140.680	Discharge of Long Term Care Residents
140.545	Penalty for Failure to File Cost Reports	140.700	Appeals of Rate Determinations
140.550	Update of Operating Costs	140.830	Determination of Cap on Payments for Long Term Care (Repealed)
140.551	General Service Costs	140.835	
140.552	Nursing and Program Costs	140.835	
140.553	General Administrative Costs	140.835	
140.554	Component Inflation Index	140.835	
140.555	Minimum Wage	140.835	
140.560	Components of the Base Rate Determination	140.850	
140.561	Support Costs Components	140.855	
140.562	Nursing Costs	140.860	
140.563	Capital Costs	140.865	
140.565	Kosher Kitchen Reimbursement	140.870	
140.566	Out-of-State Placement	140.875	
140.567	Level II Incentive Payments (Repealed)	140.880	
140.568	Duration of Incentive Payments (Repealed)	140.885	
140.569	Clients With Exceptional Care Needs	140.890	
140.570	Capital Rate Component Determination	140.895	
140.571	Capital Rate Calculation	140.896	
140.572	Total Capital Rate	140.896	
140.573	Other Capital Provisions	140.900	
140.574	Capital Rates for Rented Facilities	140.900	
140.575	Newly Constructed Facilities (Repealed)		
140.576	Renovations (Repealed)		

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

140.901	Functional Areas of Needs (Recodified)
140.902	Service Needs (Recodified)
140.903	Definitions (Recodified)
140.904	Times and Staff Levels (Repealed)
140.905	Statewide Rates (Repealed)
140.906	Reconsiderations (Recodified)
140.907	Midnight Census Report (Recodified)
140.908	Times and Staff Levels (Recodified)
140.909	Statewide Rates (Recodified)
140.910	Referrals (Recodified)
140.911	Basic Rehabilitation Aide Training Program (Recodified)
140.912	Interim Nursing Rates (Recodified)

SUBPART G: MATERNAL AND CHILD HEALTH PROGRAM

Section	General Description
140.920	Covered Services
140.922	Maternal and Child Health Provider Participation Requirements
140.924	Client Eligibility (Repealed)
140.926	Client Enrollment and Program Components (Repealed)
140.928	Reimbursement
140.930	Payment Authorization for Referrals (Repealed)
140.932	

SUBPART H: ILLINOIS COMPETITIVE ACCESS AND REIMBURSEMENT EQUITY (ICARE) PROGRAM

Section	Illinois Competitive Access and Reimbursement Equity (ICARE) Program (Recodified)
140.940	Definition of Terms (Recodified)
140.942	Notification of Negotiations (Recodified)
140.944	Hospital Participation in ICARE Program Negotiations (Recodified)
140.946	Negotiation Procedures (Recodified)
140.948	Factors Considered in Awarding ICARE Contracts (Recodified)
140.950	Closing an ICARE Area (Recodified)
140.952	Administrative Review (Recodified)
140.954	Payments to Contracting Hospitals (Recodified)
140.956	Admitting and Clinical Privileges (Recodified)
140.958	Inpatient Hospital Care or Services by Non-Contracting Hospitals Eligible for Payment (Recodified)
140.960	Payment to Hospitals for Inpatient Services or Care not Provided under the ICARE Program (Recodified)
140.962	Contract Monitoring (Recodified)
140.964	Transfer of Recipients (Recodified)
140.966	Validity of Contracts (Recodified)
140.968	Termination of ICARE Contracts (Recodified)
140.970	Hospital Services Procurement Advisory Board (Recodified)
140.972	

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

140.980	Elimination Of Aid To The Medically Indigent (AMI) Program (Emergency Expired)
140.982	Elimination Of Hospital Services For Persons Age Eighteen (18) And Older And Persons Married And Living With Spouse, Regardless Of Age (Emergency Expired)
	Medichek Recommended Screening Procedures (Repealed)
	Geographic Areas
	Capital Cost Areas
	Schedule of Dental Procedures
	Time Limits for Processing of Prior Approval Requests
	Podiatry Service Schedule
	Travel Distance Standards
	Areas of Major Life Activity
	Staff Time and Allocation for Training Programs (Recodified)
	HSA Grouping (Repealed)
	Services Qualifying for 10% Add-On (Repealed)
	Services Qualifying for 10% Add-On to Surgical Incentive Add-On (Repealed)
	Enhanced Rates for Maternal and Child Health Provider Services
	AUTHORITY: Implementing and authorized by Articles III, IV, V, VI and Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. III, IV, V, VI and 12-13].
	SOURCE: Adopted at 3 Ill. Reg. 24, p. 166, effective June 10, 1979; rule repealed and new rule adopted at 6 Ill. Reg. 8374, effective July 6, 1982; emergency amendment at 6 Ill. Reg. 8508, effective July 6, 1982, for a maximum of 150 days; amended at 7 Ill. Reg. 681, effective December 30, 1982; amended at 7 Ill. Reg. 7956, effective July 1, 1983; amended at 7 Ill. Reg. 8308, effective July 1, 1983; amended at 7 Ill. Reg. 8271, effective July 5, 1983; emergency amendment at 7 Ill. Reg. 8354, effective July 5, 1983, for a maximum of 150 days; amended at 7 Ill. Reg. 8540, effective July 15, 1983; amended at 7 Ill. Reg. 9382, effective July 22, 1983; amended at 7 Ill. Reg. 12868, effective September 20, 1983; peremptory amendment at 7 Ill. Reg. 15047, effective October 31, 1983; amended at 7 Ill. Reg. 17358, effective December 21, 1983; amended at 8 Ill. Reg. 254, effective December 21, 1983; emergency amendment at 8 Ill. Reg. 580, effective January 1, 1984, for a maximum of 150 days; codified at 8 Ill. Reg. 2483; amended at 8 Ill. Reg. 3012, effective February 22, 1984; amended at 8 Ill. Reg. 5262, effective April 9, 1984; amended at 8 Ill. Reg. 6785, effective April 27, 1984; amended at 8 Ill. Reg. 6983, effective May 9, 1984; amended at 8 Ill. Reg. 7258, effective May 16, 1984; emergency amendment at 8 Ill. Reg. 7910, effective May 22, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 7910, effective June 1, 1984; amended at 8 Ill. Reg. 10032, effective June 18, 1984; emergency amendment at 8 Ill. Reg. 10062, effective June 20, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 13343, effective July 17, 1984; amended at 8 Ill. Reg. 13379, effective July 24, 1984; Sections 140.72 and 140.73 recodified to 89 Ill. Adm.

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

Code 141 at 8 Ill. Reg. 16354; amended (by adding sections being codified with no substantive change) at 8 Ill. Reg. 17899; peremptory amendment at 8 Ill. Reg. 18151, effective September 18, 1984; amended at 8 Ill. Reg. 21629, effective October 19, 1984; peremptory amendment at 8 Ill. Reg. 21677, effective October 24, 1984; peremptory amendment at 8 Ill. Reg. 22097, effective October 24, 1984; amended at 8 Ill. Reg. 22155, effective October 29, 1984; effective November 20, 1984; emergency amendment at 8 Ill. Reg. 23218, effective November 21, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 23721, effective November 21, 1984; emergency amendment at 8 Ill. Reg. 25067, effective December 19, 1984; emergency amendment at 9 Ill. Reg. 407, effective January 1, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 2697, effective February 22, 1985; amended at 9 Ill. Reg. 6235, effective April 19, 1985; amended at 9 Ill. Reg. 8677, effective May 28, 1985; amended at 9 Ill. Reg. 9564, effective June 5, 1985; amended at 9 Ill. Reg. 10025, effective June 26, 1985; emergency amendment at 9 Ill. Reg. 11403, effective June 27, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 11357, effective June 28, 1985; amended at 9 Ill. Reg. 12000, effective July 24, 1985; amended at 9 Ill. Reg. 12306, effective August 5, 1985; amended at 9 Ill. Reg. 13998, effective September 3, 1985; amended at 9 Ill. Reg. 14684, effective September 13, 1985; amended at 9 Ill. Reg. 15503, effective October 4, 1985; amended at 9 Ill. Reg. 16312, effective October 11, 1985; amended at 9 Ill. Reg. 19138, effective December 2, 1985; amended at 9 Ill. Reg. 19737, effective December 9, 1985; emergency amendment at 10 Ill. Reg. 798, effective January 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 672, effective January 6, 1986; amended at 10 Ill. Reg. 1206, effective January 13, 1986; amended at 10 Ill. Reg. 3041, effective January 24, 1986; amended at 10 Ill. Reg. 6981, effective April 16, 1986; amended at 10 Ill. Reg. 7825, effective April 30, 1986; amended at 10 Ill. Reg. 8128, effective May 7, 1986; emergency amendment at 10 Ill. Reg. 8912, effective May 13, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 11440, effective June 20, 1986; amended at 10 Ill. Reg. 14714, effective August 27, 1986; amended at 10 Ill. Reg. 15211, effective September 12, 1986; emergency amendment at 10 Ill. Reg. 16729, effective September 18, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 18808, effective October 24, 1986; amended at 10 Ill. Reg. 19742, effective November 12, 1986; amended at 10 Ill. Reg. 21784, effective December 15, 1986; amended at 11 Ill. Reg. 698, effective December 19, 1986; amended at 11 Ill. Reg. 1418, effective December 31, 1986; amended at 11 Ill. Reg. 2323, effective January 16, 1987; amended at 11 Ill. Reg. 4002, effective February 25, 1987; Section 140.71 recodified to 89 Ill. Admin. Code 141 at 11 Ill. Reg. 4302; amended at 11 Ill. Reg. 4303, effective March 6, 1987; amended at 11 Ill. Reg. 7664, effective April 15, 1987; emergency amendment at 11 Ill. Reg. 9342, effective April 20, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 9169, effective April 28, 1987; amended at 11 Ill. Reg. 10903, effective June 1, 1987; amended at 11 Ill. Reg. 11528, effective June 22, 1987; amended at 11 Ill. Reg. 12011, effective June 30, 1987; amended at 11 Ill. Reg. 12290, effective July 6, 1987; amended at 11 Ill. Reg. 14048, effective August 14, 1987; amended at 11 Ill. Reg. 14771, effective August 25, 1987; amended at 11 Ill. Reg. 16758, effective September 28, 1987; amended at 11 Ill. Reg. 17295,

NOTICE OF PROPOSED AMENDMENTS

effective September 30, 1987; amended at 11 Ill. Reg. 18696, effective October 27, 1987; amended at 11 Ill. Reg. 20909, effective December 14, 1987; amended at 12 Ill. Reg. 916, effective January 1, 1988; emergency amendment at 12 Ill. Reg. 1960, effective January 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 5427, effective March 15, 1988; amended at 12 Ill. Reg. 6246, effective March 16, 1988; amended at 12 Ill. Reg. 6728, effective March 22, 1988; Sections 140.900 thru 140.912 and 140.Table I recodified at 8 Ill. Reg. 23721, effective November 20, 1984; emergency amendment at 8 Ill. Reg. 147.5 thru 147.205 and 147.Table A and 147.Table B at 12 Ill. Reg. 6956; amended at 12 Ill. Reg. 6927, effective April 5, 1988; Sections 140.940 thru 140.972 recodified to 89 Ill. Admin. Code 149.5 thru 149.325 at 12 Ill. Reg. 7401; amended at 12 Ill. Reg. 7695, effective April 21, 1988; amended at 12 Ill. Reg. 10497, effective June 3, 1988; amended at 12 Ill. Reg. 10717, effective June 14, 1988; emergency amendment at 12 Ill. Reg. 11868, effective July 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 12509, effective July 15, 1988; amended at 12 Ill. Reg. 14271, effective August 29, 1988; emergency amendment at 12 Ill. Reg. 16921, effective September 28, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 16738, effective October 5, 1988; amended at 12 Ill. Reg. 17879, effective October 24, 1988; amended at 12 Ill. Reg. 18198, effective November 4, 1988; amended at 12 Ill. Reg. 19396, effective November 6, 1988; amended at 12 Ill. Reg. 19734, effective November 6, 1988; amended at 12 Ill. Reg. 1988; amended at 13 Ill. Reg. 125, effective January 1, 1989; amended at 13 Ill. Reg. 2475, effective February 14, 1989; amended at 13 Ill. Reg. 3069, effective February 28, 1989; amended at 13 Ill. Reg. 3351, effective March 6, 1989; amended at 13 Ill. Reg. 3917, effective March 17, 1989; amended at 13 Ill. Reg. 5115, effective April 3, 1989; amended at 13 Ill. Reg. 5718, effective April 10, 1989; amended at 13 Ill. Reg. 7025, effective April 24, 1989; Sections 140.850 thru 140.896 recodified to 89 Ill. Admin. Code 146.5 thru 146.225 at 13 Ill. Reg. 7040; amended at 13 Ill. Reg. 7786, effective May 20, 1989; Sections 140.94 thru 140.398 recodified to 89 Ill. Admin. Code 148.10 thru 148.390 at 13 Ill. Reg. 9572; emergency amendment at 13 Ill. Reg. 10977, effective July 1, 1989, for a maximum of 150 days; emergency expired November 28, 1989; amended at 13 Ill. Reg. 11516, effective July 3, 1989; amended at 13 Ill. Reg. 16992, effective October 16, 1989; Sections 140.110 recodified to 89 Ill. Admin. Code 148.110 recodified to 89 Ill. Reg. 12119, effective July 7, 1989; Section 140.110 recodified to 89 Ill. Admin. Code 148.120 at 13 Ill. Reg. 12118; amended at 13 Ill. Reg. 12562, effective July 17, 1989; amended at 13 Ill. Reg. 14391, effective August 31, 1989; emergency amendment at 13 Ill. Reg. 15473, effective September 12, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 16992, effective October 16, 1989; amended at 14 Ill. Reg. 190, effective December 21, 1989; amended at 14 Ill. Reg. 2564, effective February 9, 1990; emergency amendment at 14 Ill. Reg. 3241, effective February 14, 1990, for a maximum of 150 days; emergency expired July 14, 1990; amended at 14 Ill. Reg. 4543, effective March 12, 1990; emergency amendment at 14 Ill. Reg. 4577, effective March 6, 1990, for a maximum of 150 days; emergency expired August 29, 1990; emergency amendment at 14 Ill. Reg. 5865, effective April 3, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 7249, effective April 27, 1990; emergency amendment at 14 Ill. Reg. 7141, effective April 27, 1990; emergency amendment at 14 Ill. Reg. 17295,

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

10062, effective June 12, 1990; amended at 14 Ill. Reg. 10409, effective June 19, 1990; emergency amendment at 14 Ill. Reg. 12082, effective July 5, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 13262, effective August 6, 1990; emergency amendment at 14 Ill. Reg. 14184, effective August 16, 1990, for a maximum of 150 days; emergency amendment at 14 Ill. Reg. 14570, effective August 22, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 14826, effective August 31, 1990; amended at 14 Ill. Reg. 15366, effective September 12, 1990; amended at 14 Ill. Reg. 15981, effective September 21, 1990; amended at 14 Ill. Reg. 17279, effective October 12, 1990; amended at 14 Ill. Reg. 18057, effective October 22, 1990; amended at 14 Ill. Reg. 18508, effective October 30, 1990; amended at 14 Ill. Reg. 18813, effective November 6, 1990; amended at 14 Ill. Reg. 20478, effective December 7, 1990; amended at 15 Ill. Reg. 20729, effective December 12, 1990; amended at 14 Ill. Reg. December 28, 1990; emergency amendment at 15 Ill. Reg. 592, effective January 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 1051, effective January 18, 1991; Section 140.569 withdrawn at 15 Ill. Reg. 1174; amended at 15 Ill. Reg. 6220, effective April 18, 1991; amended at 15 Ill. Reg. effective April 30, 1991; amended at 15 Ill. Reg. 8264, effective May 23, 1991; amended at 15 Ill. Reg. 8972, effective June 17, 1991; amended at 15 Ill. Reg. 10114, effective June 21, 1991; amended at 15 Ill. Reg. 10468, effective July 1, 1991; amended at 15 Ill. Reg. 11176, effective August 1, 1991; emergency amendment at 15 Ill. Reg. 11515, effective July 25, 1991, for a maximum of 150 days; emergency expired December 22, 1991; emergency amendment at 15 Ill. Reg. 12919, effective August 15, 1991, for a maximum of 150 days; emergency expired January 12, 1992; emergency amendment at 15 Ill. Reg. 16366, effective October 22, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 17318, effective November 18, 1991; amended at 15 Ill. Reg. 17733, effective November 22, 1991; emergency amendment at 16 Ill. Reg. 300, effective December 20, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 174, effective December 24, 1991; amended at 16 Ill. Reg. 1877, effective January 24, 1992; amended at 16 Ill. Reg. 3552, effective February 28, 1992; amended at 16 Ill. Reg. 4006, effective March 6, 1992; amended at 16 Ill. Reg. 6408, effective March 20, 1992; amended at 16 Ill. Reg. 6849, effective April 7, 1992; amended at 16 Ill. Reg. 7017, effective April 17, 1992; amended at 16 Ill. Reg. 10050, effective June 5, 1992; amended at 16 Ill. Reg. 11174, effective June 26, 1992; expedited correction at 16 Ill. Reg. 11348, effective March 20, 1992; emergency amendment at 16 Ill. Reg. 11947, effective July 10, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 12186, effective July 24, 1992; emergency amendment at 16 Ill. Reg. 13337, effective August 14, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 15109, effective September 21, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 15561, effective September 30, 1992; amended at 16 Ill. Reg. 17302, effective November 2, 1992; emergency amendment at 16 Ill. Reg. 18097, effective November 17, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 19146, effective December 1, 1992; amended at 16 Ill. Reg. 19879, effective December 7, 1992; amended at 17 Ill. Reg. 837, effective January 11, 1993; amended at 17 Ill. Reg. 1112, effective January 15, 1993; amended at 17 Ill. Reg. 2290, effective February 29, 1993; amended at 17 Ill. Reg. 2951, effective February 17, 1993; amended at 17 Ill. Reg. 3421,

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

effective February 19, 1993; amended at 17 Ill. Reg. 6196, effective April 5, 1993; amended at 17 Ill. Reg. 6839, effective April 21, 1993; amended at 17 Ill. Reg. 7004, effective May 17, 1993; expedited correction at 17 Ill. Reg. 7078, effective December 1, 1992; emergency amendment at 17 Ill. Reg. 11201, effective July 1, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 15162, effective September 2, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 18152, effective October 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 18571, effective October 8, 1993; emergency amendment at 17 Ill. Reg. 18611, effective October 1, 1993, for a maximum of 150 days; emergency amendment suspended effective October 12, 1993; amended at 17 Ill. Reg. 20999, effective November 24, 1993; emergency amendment repealed at 17 Ill. Reg. 22583, effective December 20, 1993; amended at 18 Ill. Reg. 3620, effective February 28, 1994; amended at 18 Ill. Reg. 4250, effective March 4, 1994; amended at 18 Ill. Reg. 5951, effective April 1, 1994; emergency amendment at 18 Ill. Reg. 10922, effective July 1, 1994, for a maximum of 150 days; emergency amendment suspended, effective November 15, 1994; emergency amendment repealed at 19 Ill. Reg. 5839, effective April 4, 1995; amended at 18 Ill. Reg. 11244, effective July 1, 1994; amended at 18 Ill. Reg. 14126, effective August 29, 1994; amended at 18 Ill. Reg. 16675, effective November 1, 1994; amended at 18 Ill. Reg. 18059, effective December 19, 1994; amended at 19 Ill. Reg. 1082, effective January 20, 1995; amended at 19 Ill. Reg. 2933, effective March 1, 1995; emergency amendment at 19 Ill. Reg. 3529, effective March 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 5663, effective April 1, 1995; amended at 19 Ill. Reg. 7919, effective June 5, 1995; emergency amendment at 19 Ill. Reg. 8455, effective June 9, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 9297, effective July 1, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 9297, effective July 1, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 10252, effective July 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 13019, effective September 5, 1995; amended at 19 Ill. Reg. 14440, effective September 29, 1995; emergency amendment at 19 Ill. Reg. 14833, effective October 6, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 15441, effective October 26, 1995; amended at 19 Ill. Reg. 15692, effective November 6, 1995; amended at 19 Ill. Reg. 16677, effective November 28, 1995; amended at 20 Ill. Reg. 1210, effective December 29, 1995; amended at 20 Ill. Reg. 4345, effective March 4, 1996; amended at 20 Ill. Reg. 5858, effective April 5, 1996; amended at 20 Ill. Reg. 6929, effective May 6, 1996; amended at 20 Ill. Reg. 7922, effective May 31, 1996; amended at 20 Ill. Reg. 9081, effective June 28, 1996; emergency amendment at 20 Ill. Reg. 9312, effective July 1, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 11332, effective August 1, 1996; amended at 20 Ill. Reg. 14845, effective December 31, 1996, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 3734, effective March 5, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 4777, effective April 2, 1997; amended at 21 Ill. Reg. 6899, effective May 23, 1997; amended at 21 Ill. Reg. 9763, effective July 15, 1997; amended at 21 Ill. Reg. 11569, effective August 1, 1997; emergency amendment at 21 Ill. Reg. 13857, effective October 1, 1997, for a maximum of 150 days; amended at 22 Ill. Reg. 1416, effective December 29, 1997; amended at 22 Ill. Reg. 4412, effective February 27, 1998; amended at 22 Ill. Reg.

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

7024, effective April 1, 1998; amended at 22 Ill. Reg. 10606, effective June 1, 1998; emergency amendment at 22 Ill. Reg. 13117, effective July 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 16302, effective August 28, 1998; amended at 22 Ill. Reg. 18979, effective September 30, 1998; amended at 22 Ill. Reg. 19898, effective October 30, 1998; emergency amendment at 22 Ill. Reg. 22108, effective December 1, 1998, for a maximum of 150 days, emergency expired April 29, 1999; amended at 23 Ill. Reg. 5796, effective April 30, 1999; amended at 23 Ill. Reg. 7122, effective June 1, 1999; emergency amendment at 23 Ill. Reg. 8236, effective July 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 9874, effective August 3, 1999; amended at 23 Ill. Reg. 12697, effective October 1, 1999; amended at 23 Ill. Reg. 13646, effective November 1, 1999; amended at 23 Ill. Reg. 14567, effective December 1, 1999; amended at 24 Ill. Reg. 661, effective January 3, 2000; amended at 24 Ill. Reg. 10277, effective July 1, 2000; emergency amendment at 24 Ill. Reg. 10436, effective July 1, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 15086, effective October 1, 2000; amended at 24 Ill. Reg. 18320, effective December 1, 2000; emergency amendment at 24 Ill. Reg. 19344, effective December 15, 2000, for a maximum of 150 days; amended at 25 Ill. Reg. 3897, effective March 1, 2001; amended at 25 Ill. Reg. 6665, effective May 11, 2001; amended at 25 Ill. Reg. _____, effective _____.

SUBPART D: PAYMENT FOR NON-INSTITUTIONAL SERVICES

Section 140.475 Medical Equipment, Supplies, and Prosthetic Devices and Orthotic Devices

- a) Payment for the provision of medical equipment, supplies, and prosthetic devices and orthotic devices shall be made only to participating providers who are licensed or exempt from licensure under any licensure Act, including but not limited to the Home Medical Equipment and Services Provider License Act [225 ILCS 51].
- b) Payment for medical equipment, supplies, and prosthetic devices and orthotic devices shall be made when:
 - 1) when:
 - A) they are essential to enable a client to remain at home or to function in the community; and
 - B) the client's physician has recommended in writing to the Department or in a patient care plan that the supplies or equipment be provided and that they are medically necessary; and
 - C) the Department has approved payment based on consideration of:
 - i) the client's medical condition,
 - ii) the benefits the item is expected to effect,
 - iii) the client's ability to adjust to and to use the item recommended, and
 - iv) in the case of whether a communication device, whether the device will increase the client's

ILLINOIS REGISTER

6872

01

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

potential for full participation in health care by assisting in cause and effect awareness, or training physical movements or improving the client's understanding and comprehension of his or her health needs and responsibilities; OR and the-client-is-dually-eligible-for-services-from-the-Department-of-Public-Aid--and-the-Department-of-Rehabilitation-Services-and/or-the-Division-of-Specialized-Services-for-Children-and-meets--the-provisions-outlined-in-subsections-(b)(7)-(2)-and-(3)-above; OR 25) when the Individual Program Plan (IPP) of an individual with developmental disabilities residing in an ICF/MR or a long term care facility identifies the equipment, supplies, and prosthetic devices and orthotic devices that which are necessary for his or her participation in active treatment as described in 42 CFR 483.440, Condition of Participation: Active Treatment Service. Payment shall be made for the repair of prosthetic devices, orthotic devices and medical equipment owned by recipients if the item is out of warranty and the sum of the individual repair parts and the labor does not exceed 75 percent of the cost of a new unit. Labor charges are to be included in the repair price. A guarantee of at least 180 days must be provided. Charges shall not include tax, delivery, rebate, packaging or freight. The Department may agree to assume repair costs of a rented or loaned communication system if such an agreement is required by the manufacturer's or vendor's rental or loan terms. The Department may deny payment for repairs if evidence indicates that damage has resulted from abuse of the equipment.

- c) Payment shall be made for loaner items issued pending repair or replacement of prosthetic devices, orthotic devices and medical equipment owned by recipients if it is the usual practice of the supplier to provide and charge for such items.
- d) Payment shall be made for durable medical equipment supplies essential to expedite a hospital discharge and to enable the person to be cared for at home;
- e) Covered services are:
 - 1) Non-durable medical supplies for an individual's life maintenance care and treatment;
 - 2) Durable medical equipment supplies essential to expedite a hospital discharge and to enable the person to be cared for at home;
 - 3) Prosthetic and orthotic devices Prostheses---and---orthoses, including communication devices, that which are essential to enhance functional mobility OR7 medically necessary communication, or are essential for employment; and
 - 4) Respiratory equipment and supplies necessary as a life saving measure or for prevention of a medical emergency, institutionalization, or to facilitate deinstitutionalization and;
 - 5) Repair of durable medical equipment, prosthetic devices and orthotic devices.
- f) Payment shall be made for covered services on a prior approval basis, except for repair-or-replacement-of-medical-equipment--and--prosthetic

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

and-orthotic-devices as provided under Section 140.477.

(Source: Amended at 25 Ill. Reg. _____, effective _____)

Section 140.476 Medical Equipment, Supplies, and Prosthetic Devices and Orthotic Devices for Which Payment Will Not Be Made

Payment shall not be made for:
 a) Items or repair of items for residents of long term care facilities, when such items are: long-term-care-facilities

1) Durable medical equipment or supplies required by an individual in a long term care facility that which are commonly used in patient care and considered as a part of the per diem reimbursement paid by the Department. Such items include, but are not limited to the following:

A) Equipment: Canes, crutches, standard wheelchairs, walkers, commodes, beds, mattresses, belts, cradles, trapeze bars, patient lifts, bedpans, urinals, suction equipment, supplies, hypothermia units, apnea monitors, and equipment necessary for the administration of oxygen.

B) Supplies: Catheters, urinary drainage bags, first aid supplies, dressings, soaps, irrigation supplies, drinking tubes, and other supplies necessary to provide patient care.

2) Equipment required for a resident of a long term care facility if, unless the equipment must be made to order for an identified recipient and based on a medical need, or which is identified by the Individual Program Plan (IPP) of an individual with developmental disabilities as necessary to fulfill the requirements for active treatment services.

b) Items or services that which are not medically necessary to treat the recipient's disease, disability, infirmity or impairment.

c) Prosthetic and orthotic devices Prostheses inserted or implanted that which do not increase physical capacity, overcome a functional disability, a physiological function, or eliminate a functional disability.

d) Items or services for which the Department has not granted prior approval where prior approval is required prior--authorized--if appropriate.

e) Stock orthopedic shoes, unless used in conjunction with a brace.

f) Items or services for a client who has elected hospice care, when the items or services are related to the terminal illness.

g) Items or services fabricated, fitted or dispensed without an appropriate license.

(Source: Amended at 25 Ill. Reg. _____, effective _____)

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

Devices

- a) Prior approval for the purchase, repair or rental provision-or replacement of certain medical equipment, prosthetic devices and orthotic devices prostheses is required except when:
 - 1a) The client is a Medicare beneficiary and the item requested has been reimbursed under the Medicare program; or
 - 2b) Repair costs do not exceed 75 percent % of the purchase price and the item is not covered by a warranty; or
 - 3c) The item is being loaned pending repair or replacement of the recipient's own item.r--or
- b) Replacement of covered equipment, prosthetic devices and orthotic devices is subject to all policies that apply to an original purchase of the same item. Replacements will not be reimbursed by the Department if the original item is under a warranty that would cover the necessary repairs or replacement. If the item requires prior approval and if the item was purchased by the Department for the same client within the past 12 months, the Department's original determination of medical necessity will be deemed adequate for the replacement purchase. In this case, the request for prior approval must contain an explanation of the need for replacement. The Department may deny payment for replacement of equipment if evidence indicates that breakage or loss has resulted from abuse of the equipment.
- c) Items are replaced within 24 months of purchase-date-as-long-as-at-the-following-criteria-are-met:
 - 1) The item is not under warranty and
 - 2) The item was not faulty at time of purchase and
 - 3) The original purchase was made by the Department for the same recipient for whom the replacement is being initiated and
 - 4) The original item is either not repairable or the cost of repairs is more than or equal to the replacement and
 - 5) The replacement item is new and equivalent to the original item purchased:

(Source: Amended at 25 Ill. Reg. _____, effective _____)

Section 140.478 Prior Approval for Medical Equipment, Supplies, and Prosthetic Devices and Orthotic Devices

- a) The following time frames shall be adhered to by the Department when prior approval is required for medical equipment, prosthetic devices and orthotic orthotic/prosthetic devices (see also Section 140.40):
 - 1) Decisions to approve or deny a request for prior approval of life-sustaining respiratory supplies aid and equipment will be made within 30 days after the date of receipt of the request by the Department. Prior approval is not required for such items

Section 140.477 Limitations on Equipment, and Prosthetic Devices and Orthotic

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

- for the first 30 days of service.
- 2) Decisions to approve or deny requests for artificial limbs and braces shall be made within 21 days after the date of receipt of the request by the Department.
 - 3) Decisions to approve or deny requests for standard wheelchairs and hospital beds shall be made within 21 days after the date of receipt of the request by the Department.
 - 4) Decisions to approve or deny requests for hearing aids, communication devices, custom molded shoes, shoe corrections, orthopedic shoes used in conjunction with a brace, and custom wheelchairs, shall be made within 30 days after the date of receipt of the request by the Department.
 - 5) Decisions to approve or deny requests for medical supplies costing less than \$100 shall be made within 21 days after the date of receipt of the requests by the Department.
 - 6) Decisions to approve or deny requests for medical supplies costing more than \$100 shall be made within 30 days after the date of receipt of the request by the Department.
- b) Post approval may be requested. Post approval will be granted in circumstances when prior approval could not be requested, such as:
- 1) determination of the patient's eligibility for public assistance was delayed;
 - 2) the medical need arose unexpectedly outside of the Department's normal business hours and prior emergency approval could not be obtained;
 - 3) other third party resources denied payment.

(Source: Amended at 25 Ill. Reg. _____, effective _____)

Section 140.479 Limitations, Medical Supplies

- a) Reimbursement for approval of medical supplies will be limited to the quantity indicated by the ordering practitioner or to the quantity specified in the Department's prior approval, whichever is less a reasonable quantity-for-a-month. Once the total quantity specified by the ordering practitioner has been provided or the period of time shown on the approval request has elapsed, a new written order must be obtained. except-for frequently-used-supplies-for-a-patient-followed-up-by-an-approved-rehabilitation-facility-or-amputee-clinic-these-require-a-practitioner-s-written-recommendation-renewed-every-12-months AGENT-NOTE:-See-Sections--140-40-through-140-42-for-prior-approval-requirements-
- b) A new written order must be obtained from the physician no less often than every 12 months, even for supplies needed for an ongoing chronic condition.
- b† Frequently-used-supplies-for-patients--whose-diagnosis-indicates-an

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

ongoing---chronic---need---for---supplies---the---practitioner's---written recommendation-must-be-renewed-every-12-months---Diagnoses---indicating a---chronic---long---term---need---include---but---are---not---limited---to---quadruplegia-paraplegia---urinary---incontinence---diabetes7---permanent colostomy7---ileostomy7---or---ureterostomy7---neurogenic---bladder7 tracheostomy-and-hydrocephalus.

- c) Prior approval for the purchase of medical supplies is required except when:
- 1) The client is a Medicare beneficiary and the item requested has been reimbursed under the Medicare program; or
 - 2) Items are being dispensed, per physician order, in amounts less than the normal maximum allowable quantity limits established by the Department.
 - 3) The exemptions from prior approval specified in subsection (c) apply only if the quantity ordered by the physician is equal to or less than the Department's maximum allowable quantity. If the physician has ordered a quantity that exceeds the Department's maximum allowable quantity, the dispensing provider must request prior approval for the entire order. The Department will not pay for the dispensing of any quantity that is less than the physician's order, unless:
 - 1) the dispensing provider can document that the ordering physician has confirmed that the excess quantity is not medically necessary; or
 - 2) the Department has denied the request for prior approval of the excess quantity.

(Source: Amended at 25 Ill. Reg. _____, effective _____)

Section 140.480 Equipment Rental Limitations

Total cumulative rental costs must not exceed the usual retail price of the medical equipment except for durable equipment used for respiratory care. When total cumulative rental costs exceed the purchase price, the Department considers the equipment paid for in full and the property of the Department. Some durable medical equipment items used for respiratory care are covered shall-be-obtained on a rental or lease basis only. Rental charges must be terminated after the recipient's need for the equipment ceases to exist.

- a) (Source: Amended at 25 Ill. Reg. _____)

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Alternate Fuels Program2) Code Citation: 35 Ill. Adm. Code 2753) Section Numbers:

Adopted Action:
Amend
Amend
New
275.120
275.230
275.250

16) Information and questions regarding these adopted amendments shall be directed to:4) Statutory Authority: Sections 15 and 30 of the Alternate Fuels Act [415
ILCS 120/15 and 30]5) Effective Date of Amendments: January 20, 20016) Does this rulemaking contain an automatic repeal date? No7) Does this rulemaking contain incorporations by reference? No

8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the Agency's principal office and is available for public inspection. The Agency's principal office is located at 1021 North Grand Avenue East, Springfield, Illinois.

9) Notice of Proposal Published in Illinois Register: June 2, 2000, 24 Ill.
Reg. 784310) Has JCAR issued a Statement of Objection to these amendments? No11) Differences between proposal and final version: The Agency made all editorial changes to the First Notice requested by the staff of the Joint Committee on Administrative Rules.12) Have all changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? There were no changes.13) Will these amendments replace an emergency rulemaking currently in effect?
No14) Are there any amendments pending on this part? No15) Summary and Purpose of Amendments: Section 15 of the Alternate Fuels Act originally required the Illinois EPA to adopt rules implementing an Alternate Fuels Rebate Program. The proposed amendments serve two purposes. First, rebates will be processed in a more timely manner with the added requirement of submitting proof of payment with the application. The Illinois Comptroller's Office requires proof of payment before disbursement of funds. Requiring proof of payment to be submitted with the application will make the process more efficient.

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF ADOPTED AMENDMENTS

Second, in order to provide a less costly and more timely manner for applicants to resolve any dispute that may arise from this rebate program than litigation, these amendments would create an appeal mechanism whereby an applicant can appeal a denial of a rebate or a modification of the amount requested to the Director of the Agency.

16) Information and questions regarding these adopted amendments shall be directed to:

Christopher P. Demeroukas
Assistant Counsel
Illinois Environmental Protection Agency
Division of Legal Counsel
1021 North Grand Avenue East
P.O. Box 19726
Springfield, Illinois 62794-9276
217/782-5544

The full text of the adopted amendments begin on the next page:

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF ADOPTED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE B: AIR POLLUTION
CHAPTER II: ENVIRONMENTAL PROTECTION AGENCY
PART 275
ALTERNATE FUELS PROGRAM

SUBPART A: GENERAL PROVISIONS

Section	REBATES
275.100	Purpose
275.110	Other Definitions
275.120	Definitions
275.130	Abbreviations
275.140	Incorporations by Reference

Section	ELIGIBILITY
275.200	Eligibility
275.210	Alternate Fuel Vehicles and Rebates
275.220	Fuel Cost Differential Rebate
275.230	Applications
275.240	Agency Action
275.250	Appeal of Agency Denial or Modification

APPENDIX A Annual Fuel Cost Differential For LDVs

AUTHORITY: Implementing and authorized by Sections 15 and 30 of the Alternate Fuels Act [415 ILCS 120/15 and 30].

SOURCE: Adopted at 21 Ill. Reg. 7150, effective May 29, 1997; amended at 23 Ill. Reg. 11916, effective September 13, 1999; amended at 25 Ill. Reg. § 7, effective July 1, 2001.

NOTE: In this Part, unless the context clearly indicates otherwise, superscript numbers or letters are denoted by parentheses; subscripts are denoted by brackets.

SUBPART A: GENERAL PROVISIONS

Section 275.120 Definitions

"Alternate fuel" means liquefied petroleum gas, natural gas, E85 blend fuel, fuel composed of a minimum 80% ethanol or 80% bio-based methanol, fuels derived from 80% biomass, or electricity.

"Alternate fuel vehicle" means any motor vehicle or engine that meets

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF ADOPTED AMENDMENTS

a federal or CARB emission standard, or meets the federal anti-tampering provisions pursuant to USEPA Memorandum 1A, incorporated by reference at Section 275.140 of this Subpart, is capable of using an alternate fuel, and is operated in the State of Illinois.

"Conventional", when used to modify the word "vehicle", "engine", or "fuel", means gasoline or diesel or any reformulations of those fuels.
[415 ILCS 120/10]

"Covered area" means the counties of Cook, DuPage, Kane, Lake, McHenry, and Will and those portions of Grundy County and Kendall County that are included in the following zip code areas, as designated by the U.S. Postal Service on August 7, 1998: 60416, 60444, 60447, 60450, 60481, 60538, and 60543.

"Domestic renewable fuel" means a fuel produced in the United States composed of a minimum 80% ethanol or 80% bio-based methanol, or other fuels derived from 80% biomass.

"E85 blend fuel" means fuel that contains 85% ethanol and 15% gasoline.
[415 ILCS 120/10]

"Federal low emission standard" means the low emission vehicle (LEV), ultra-low emission vehicle (ULEV), zero emission vehicle (ZEV), or inherently low emission vehicle (ILEV) standard, as set forth in 40 CFR 88, incorporated by reference in Section 275.140 of this Subpart.

"Gross Vehicle Weight Rating (GVWR)" means the total vehicle weight, including the maximum load, as designated by the original equipment manufacturer.
"Heavy-duty vehicle (HDV)" means a motor vehicle whose GVWR is more than 8,500 lbs.

"Inherently Low Emission Vehicle (ILEV)" means any LDV certified to the applicable ILEV evaporative emission standard found in 40 CFR 88, incorporated by reference at Section 275.140 of this Subpart, or any HDV with an engine certified to the applicable ILEV standard. No dual fueled or flexible fueled vehicle shall be considered an ILEV unless it is certified to the applicable standard(s) (i.e., LEV, ULEV or ZEV) for such weight class on all fuel types for which it is designed to operate.

"Light-duty vehicle (LDV)" means a motor vehicle whose GVWR is no more than 8,500 lbs.

"Location" means a parcel of real property or multiple, contiguous

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF ADOPTED AMENDMENTS

parcels of real property that are separated by private roadways, public roadways, or private or public rights-of-way and are owned, operated, leased, or under the common control of one party. [415 ILCS 120/10]

"Low Emission Vehicle (LEV)" means any LDV, or any HDV with an engine certified to the applicable federal low emission vehicle standard in 40 CFR 88, incorporated by reference in Section 275.140 of this Subpart.

"Owner" means any person who has legal or equitable title to a motor vehicle.

"Person" means any individual, corporation, partnership, firm, association, trust, estate, public or private institution, group, state, municipality, political subdivision of a state, any agency, department, or instrumentality of the United States, and any officer, agent or employee of any of the above.

"Private fueling operation" means any activity where alternate fuel is transferred from a stationary or mobile source to a fuel storage system used to provide fuel to the engine or motor of that vehicle where such fuel is not available to the public.

"Proof of payment" means a copy of a cancelled check, an invoice or bill showing that the applicable amount has been paid or that no remaining balance exists, or other appropriate proof that payment has been made in the amount of the rebate requested.

"Public fueling operation" means any site where alternate fuel is transferred from a stationary source to a fuel storage system used to provide fuel to the engine or motor of that vehicle, and is a retail operation.

"Retail" means to sell directly to the ultimate consumer in small quantities (e.g., gallons) and deliver fuel to a fuel storage system used to provide fuel to the engine or motor of a vehicle.

"Small fleet owner" means a person who owns or operates no more than 30 motor vehicles and employs 100 or fewer employees.

"Ultra Low Emission Vehicle (ULEV)" means any LDV, or any HDV with an engine certified to the applicable federal ultra low emission vehicle standard in 40 CFR 88, incorporated by reference in Section 275.140 of this Subpart.

"Zero Emission Vehicle (ZEV)" means any LDV, or any HDV certified to the applicable federal zero emission vehicle standard in 40 CFR 88,

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF ADOPTED AMENDMENTS

incorporated by reference in Section 275.140 of this Subpart.
(Source: Amended at 25 Ill. Reg. 6882-3, effective 12/10/11.)

Section 275.230 Applications

- To apply for a rebate, owners of alternate fuel vehicles must provide the Agency with the information listed in subsections (a) and (e) of this Section and the information from either subsection (b), (c) or (d) of this Section.
- a) Applications for a conversion, OEM or fuel cost differential rebate must include the following information:
- 1) For each alternate fuel vehicle:
 - A) The make, model and year of manufacture;
 - B) The date of vehicle acquisition or conversion;
 - C) The vehicle identification number (VIN);
 - D) The license plate number and the state of registration;
 - E) The emission standard(s) to which the alternate fuel vehicle is certified (e.g., conventional, LEV, ULEV, ZEV or ILEV) and the certifying agent (e.g., USEPA, CARB, or the Conversion System Manufacturer to Memorandum No. 1A, incorporated by reference in Section 275.140 of this Part);
 - F) The alternate fuel for which the vehicle is certified to meet the requirements of Section 275.210(c) or (d) of this Subpart;
 - G) For LDVs, the 8-character alpha numeric bar-coded vehicle emission configuration number assigned by the manufacturer and imprinted on vehicles manufactured on or after MY 1993; and
 - H) The GVWR of the vehicle; and
 - I) Whether the vehicle will be primarily fueled at a public or a private fueling operation.
 - 2) The amount of the rebate being requested and documentation as required by either subsection (b), (c) or (d) of this Section, demonstrating that the costs were actually incurred and how the rebate amount was calculated.
- b) Applicants for an OEM alternate fuel vehicle rebate, in addition to the information required by subsections (a) and (e) of this Section, must provide the following:
- 1) A copy of the sales invoice showing the purchase price of the alternate fuel vehicle; and
 - 2) Documentation from the retailer indicating the retail cost or sticker price of a conventional fuel vehicle that is the same make, model, equipment and year as the alternate fuel vehicle or engine purchased for which a rebate is being sought under this Part; and:
- 3) Proof of payment.

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF ADOPTED AMENDMENTS

- c) Applicants for a conversion alternate fuel vehicle rebate, in addition to the information required by subsections (a) and (e) of this Section, must provide:
- 1) The name and address of the person(s) performing the conversion;
 - 2) A statement that the motor vehicle was converted in accordance with the applicable requirements of Section 275.210(a) of this Subpart; and
 - 3) A copy of the conversion invoice showing the cost of the conversion; and;
 - 4) Proof of payment.
- d) Applicants for a fuel cost differential rebate, in addition to the information required in subsections (a) and (e) of this Section, must provide:

1) For the first year:

- A) For LDVs using methanol or ethanol, the name of the primary fuel supplier(s), the number of gallons of domestic renewable fuel purchased, and number of miles driven that calendar year; and
- B) For alternate fuel LDVs using biomass fuels and any alternate fuel HDV, the name of the primary fuel supplier(s), the name of the domestic renewable fuel, the number of miles to the gallon for the conventional fuel, the cost per gallon of the domestic renewable fuel, the cost per gallon of the conventional fuel, and the number of miles driven that calendar year; and;
- 2) For the second and third years, the owner must annually certify, once approved, that the owner still owns and operates the alternate fuel vehicle, has purchased domestic renewable fuel, and that domestic renewable fuel was used for more than one-half of the miles driven in that calendar year. The statement must be signed by the owner, and must be submitted to the Agency no more than 30 days after the anniversary date of the rebate; and;
- 3) Proof of payment.
- e) In addition to the information required in subsection (a) of this Section and either subsection (b), (c) or (d) of this Section, all applications submitted to the Agency must include the following:
- 1) The name, address, and phone number of the owner;
 - 2) If the applicant is not an individual:
 - A) The name of the entity, mailing address and location of records if they are different from the information reported in subsection (e)(1) of this Section;
 - B) The number of employees; and
 - C) The FEIN number;
 - 3) The number of motor vehicles owned;
 - 4) The primary location(s) of the vehicles;
 - 5) The name, address and social security number of the payee for the rebate; and

NOTICE OF ADOPTED AMENDMENTS

- c) Applicants for a conversion alternate fuel vehicle rebate, in addition to the signature of the owner.
- f) Applications for costs incurred during calendar years 1997, 1998, 1999, 2000, 2001, and 2002 that meet the requirements of this Section and Section 275.210 of this Subpart must be submitted by December 31 of that calendar year, but if the cost was incurred in December then the application must be submitted by January 31 of the following year. Applications for costs incurred during calendar years 1997, 1998, 1999, 2000, and 2001 that meet the requirements of this Section and Section 275.220 of this Subpart must be submitted by December 31 of that calendar year, but if the cost was incurred in December then the application must be submitted by January 31 of the following year.

(Source: Amended at 25 Ill. Reg. 6677 effective 1/1/01)

Section 275.250 Appeal of Agency Denial or Modification

- a) An applicant whose application for a rebate has been denied by the Agency, or whose rebate is less than the amount for which the applicant applied, may appeal the denial or improper rebate modification by filing a notice of appeal with the Director of the Agency.
- b) The notice of appeal must:
- 1) Be made in writing;
 - 2) Be clearly marked "APPEAL OF ALTERNATE FUEL REBATE DENIAL OR MODIFICATION";
 - 3) Include a copy of the original application and a copy of the denial or rebate modification received by the applicant; and
 - 4) Identify which provisions of this Part the Agency did not properly apply and provide an explanation how the Agency allegedly misapplied the provisions of this Part.
- c) The notice of appeal must be postmarked within 30 days after the date of mailing of the denial letter or the modification notification letter, as applicable.
- d) The Director shall reverse the denial or modification:
- 1) If:
 - A) The procedures in this Part were incorrectly applied thereby resulting in a denial or a rebate that is less than the amount for which the applicant applied; or
 - B) Additional information available to the Director supports payment of a rebate to the applicant; and
 - 2) If funds were available for the payment of a valid rebate at the time of the initial decision.
- e) If the Director reverses the denial of the rebate, the applicant will retain its prioritization as determined pursuant to Section 275.240 for payment during the next payment cycle.
- f) If the Director reverses the modification of the rebate, the applicant will retain its prioritization as determined pursuant to Section

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF ADOPTED AMENDMENTS

- 275.240 For payment of the difference between the amount contained in the application and the amount contained in the modification notification letter during the next payment cycle.
- q) If the Director affirms the Agency's denial or modification of the rebate, the applicant may file suit for injunctive or declaratory relief in the Circuit Court for Sangamon County or for the county in which the applicant resides.

(Source: Added at 25 Ill. Reg. 6877-2 effective
JAN 20 2001)

ILLINOIS FARM DEVELOPMENT AUTHORITY

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Illinois Farm Development Authority
- 2) Code Citation: 8 Ill. Adm. Code 1400
- 3) Section Numbers: Adopted Action:
1400.146
1400.148
- Amendment
- Amendment
- 4) Statutory Authority: 20 ILCS 3605/7
- 5) Effective Date of Amendments: May 30, 2001
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these amendments contain incorporations by reference? No
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: September 1, 2000, 24 Ill. Reg. 13088
- 10) Has JCAR issued a statement of objection to these amendments? No
- 11) Differences Between Proposed and Final Version: Minor grammar and style changes were made.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will these amendments replace emergency amendments currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendments: The changes are to reflect changes in the Young Farmer Guarantee and Specialized Livestock Guarantee Programs.
- 16) Information and questions regarding these adopted amendments shall be directed to:

Laura A. Lanterman, C.P.A.
Chief Financial Officer
Illinois Farm Development Authority
427 East Monroe Street, Suite 201
Springfield, Illinois 62701
217-782-5792

ILLINOIS FARM DEVELOPMENT AUTHORITY

NOTICE OF ADOPTED AMENDMENTS

The full text of the adopted amendments begins on the next page:

ILLINOIS FARM DEVELOPMENT AUTHORITY

NOTICE OF ADOPTED AMENDMENTS

TITLE 8: AGRICULTURE AND ANIMALS
CHAPTER VII: ILLINOIS FARM DEVELOPMENT AUTHORITY

PART 1400

ILLINOIS FARM DEVELOPMENT AUTHORITY

Section	Definitions
1400.10	Composition, Appointment and Terms of Office
1400.20	Officers
1400.30	Executive Director
1400.40	Meetings
1400.50	Quorum
1400.60	Reimbursement
1400.70	Rules of Order
1400.80	Records and Reports
1400.90	Public Participation
1400.100	Rulemaking Procedures
1400.110	Purchasing Rules and Regulations
1400.120	Rules and Guidelines Applicable to All Bond Programs
1400.130	Bond Programs and Rules Applicable to Each
1400.140	Rules and Guidelines Applicable to the Interest Buy Down
1400.145	Rules and Guidelines Applicable to the Young Farmer Guarantee Program
1400.146	Rules and Guidelines Applicable to the State Guarantee Program for Restructuring Agricultural Debt
1400.147	Rules and Guidelines Applicable to the Specialized Livestock Guarantee Program
1400.148	Rules and Guidelines Applicable to the Agri-Industries
1400.149	Rules and Guidelines Applicable to the State Guarantee Program for Seal
1400.150	Principal Office
1400.160	Revision
1400.170	Construction; Waiver; Severability
1400.180	

ILLUSTRATION A OIALP Regions (Repealed)

AUTHORITY: Implementing and authorized by the Illinois Farm Development Act [20 ILCS 3605] and by the Farm Credit Allocation Act [20 ILCS 3610].

SOURCE: Emergency rules adopted at 6 Ill. Reg. 9340, effective July 15, 1982, for a maximum of 150 days; adopted at 7 Ill. Reg. 242, effective December 22, 1982; emergency amendment at 8 Ill. Reg. 363, effective December 27, 1983, for a maximum of 150 days; amended at 8 Ill. Reg. 8489, effective May 31, 1984; emergency amendment at 9 Ill. Reg. 8186, effective May 16, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 15493, effective October 1, 1985; emergency amendment at 9 Ill. Reg. 17879, effective October 31, 1985, for a maximum of 150 days; emergency expired March 21, 1986; emergency amendment at 10 Ill. Reg.

ILLINOIS FARM DEVELOPMENT AUTHORITY

NOTICE OF ADOPTED AMENDMENTS

2059, effective January 10, 1986, for a maximum of 150 days; emergency amendment at 10 Ill. Reg. 4599, effective February 28, 1986, for a maximum of 150 days; emergency expired July 28, 1986; amended at 10 Ill. Reg. 11001, effective June 9, 1986; amended at 11 Ill. Reg. 3862, effective February 27, 1987; amended at 11 Ill. Reg. 9894, effective May 12, 1987; amended at 12 Ill. Reg. 11219, effective June 20, 1988; amended at 13 Ill. Reg. 2440, effective February 10, 1989; amended at 13 Ill. Reg. 14376, effective August 30, 1989; amended at 17 Ill. Reg. 3618, effective March 5, 1993; amended at 17 Ill. Reg. 15808, effective September 10, 1993; amended at 19 Ill. Reg. 7582, effective May 26, 1995; amended at 22 Ill. Reg. 3467, effective January 30, 1998; amended at 23 Ill. Reg. 2866, effective February 26, 1999; emergency amendment at 23 Ill. Reg. 4464, effective April 6, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 11703, effective September 3, 1999; amended at 24 Ill. Reg. 16656, effective ~~May 9, 2000~~, 2000; amended at 25 Ill. Reg. ~~68-8-6~~ effective ~~May 9, 2000~~, 2000; amended at 25 Ill. Reg. ~~68-8-6~~ effective ~~May 9, 2000~~, 2000.

Section 1400.146 Rules and Guidelines Applicable to the Young Farmer Guarantee Program

- a) General Description of Program. The Young Farmer Guarantee Program (YFG) is designed to enhance credit availability to younger farmers who are purchasing capital assets. Loan funds may be used for new purchases of capital assets such as land, buildings, machinery, equipment, breeding livestock, soil and water conservation projects, etc. In some cases, up-to-50% of the loan proceeds may be used to refinance existing debt as needed to improve lien positions or improve financial structure. The provisions of this Section are applicable only to the YFG.

b) Definitions Applicable to the YFG.

"Applicant" means a farmer whose application for a Young Farmer Guarantee has been submitted to the Authority by a lender.

"Asset" includes, but is not limited to, the following: crops or feed on hand; livestock held for sale; breeding stock; cash; marketable bonds and securities; securities not readily marketable; accounts receivable; notes receivable; cash invested in growing crops; net cash value of life insurance; machinery and equipment; cars and trucks; farm and other real estate including life estates and personal residence; value of beneficial interest in trusts; government payments or grants; capitalized leases; retirement accounts and all other assets. [20 ILCS 3605/2]

"Debt to Asset Ratio" means total outstanding liabilities, including any debt to be financed or refinanced under this Section, divided by total outstanding assets. [20 ILCS 3605/12.4]

"Fund" means the Illinois Farmer and Agribusiness Loan Guarantee Fund,

ILLINOIS FARM DEVELOPMENT AUTHORITY

NOTICE OF ADOPTED AMENDMENTS

which is the State's fund to cover losses resulting from defaults on young farmer guarantee loans. [20 ILCS 3605/12.4]

"Gross Annual Income" means income as defined in Section 61 of the Internal Revenue Code (26 USC 61).

"Liability" includes, but is not limited to, the following: accounts payable; notes or other indebtedness owed to any source; taxes; rent; amounts owed on real estate contracts or real estate mortgages; judgments; accrued interest payable; indebtedness under capitalized leases; and all any other liabilities. [20 ILCS 3605/2]

"YFG Loan" means an installment note for which the State of Illinois shall be liable for 85% of the total principal and interest as determined by the Authority.

"Young Farmer" means a resident of Illinois who is at least 18 years of age, who is a principal operator of a farm or land, who derives or will derive at least 50% of gross annual income from farming, who has a net worth of not less than \$10,000 and whose debt to asset ratio is not less than 40%. [20 ILCS 3605/12.4]

c) Eligible Farmers. To qualify for participation in the YFG, each farmer must:

- 1) be at least 18 years of age and maintain his principal residence in the State [20 ILCS 3605/12.4];
- 2) be the principal operator of a farm who derives or will derive at least 50% of annual gross income from farming [20 ILCS 3605/12.4];
- 3) have a debt to asset ratio of not less than 40% and not greater than 70% after purchase of the capital item and have a net worth of not less than \$10,000 [20 ILCS 3605/12.4];
- 4) demonstrate the ability to adequately service the proposed debt. If this ability is not adequately demonstrated, he can have a guarantor sign the note with him and/or pledge additional collateral for the loan;
- 5) provide sufficient collateral to secure the YFG loan and agree to keep it adequately collateralized in the future. All real estate and depreciable property which is to be used as collateral on a YFG loan must be evaluated by a qualified appraiser. All real estate appraisals must meet Federal regulatory requirements and meet the Uniform Standards of Professional Appraisal Practice of the Appraisal Foundation. Auctioneers and machinery and equipment dealers are qualified to appraise depreciable property. The applicant is liable for all appraisal fees connected with the YFG Loan;
- 6) certify that all of his debts will be current at the time the YFG loan is closed. [20 ILCS 3605/12.4]

ILLINOIS FARM DEVELOPMENT AUTHORITY

NOTICE OF ADOPTED AMENDMENTS

- d) Limitations
- 1) YFG loans shall not exceed \$500,000 per young farmer. A young farmer may use this program more than once provided the aggregated principal amount of YFG loans to that young farmer does not exceed \$500,000. [20 ILCS 3605/12.4]
 - 2) each YFG loan shall be set up on a payment schedule not to exceed 30 years, but shall be no longer than 15 years in duration. [20 ILCS 3605/12.4] The payment schedule for the loan will be tailored to the applicant's collateral and cash flow. Real estate loans may be amortized up to 25 years with a 15 year balloon. Loans with depreciable property as collateral will be amortized over a shorter period.
 - 3) The YFG loan can be fully or partially paid at any time while the loan is outstanding as long as the loan is held in the lender's portfolio and not sold into a secondary market. YFG loans may not be assumed.
- e) Application Procedures and Review.
- 1) Lenders shall apply for the YFG loans on forms provided by the Authority. The application shall at a minimum contain the young farmer's name, address, present credit and financial information, including cash flow statements, financial statements, balance sheets, and any other information pertinent to the application, and the collateral to be used to secure the State guarantee. [20 ILCS 3605/12.4] Applications shall be processed by the Authority on a first come, first served basis, based upon the receipt of all completed documents by the Authority.
 - 2) Lenders shall certify that the application and any other documents submitted are true and correct. [20 ILCS 3605/12.4]
 - 3) Each applicant shall pay a \$300 application fee which will be submitted to the Authority at the time of the application. At the time the loan is closed, the applicant will be required to pay a closing fee of 1% of the YFG loan amount less the \$300 application fee. Of this 1% closing fee, the Authority shall receive 3/4% and the lender shall receive 1/4% to cover administrative expenses in completing the application packet and closing documents. The 1% closing fee may be included in the State Guarantee loan amount. The lender shall charge no fees or points in addition to those outlined herein. The applicant shall be responsible for paying any fee or charge involved in recording mortgages, releases, financing statements, insurance for secondary market issues, and any other similar fee or charge that the Authority may require. [20 ILCS 3605/12.4]
- f) When a State Guarantee application is submitted to the Authority, the Authority shall review the application to determine whether it is complete and whether it meets the criteria established by the Act and this Section. When the Authority has completed the review of the Guarantee application, the application shall be presented, along with a statement of recommended action, to the Board for review at its next regularly scheduled meeting. The review shall include whether the applicant and lender are in compliance with the requirements of the program. The review shall also include an evaluation of collateral, percentage of loan, debt to asset ratio, cash flow, etc.
- 5) The Board shall approve the application and provide the Guarantee, pursuant to the Act and this Section; or, deny the application and serve upon the lender and applicant a written statement of the grounds for the denial.
 - 6) If the application is denied, the applicant and the lender may request reconsideration stating reasons why the Board should withdraw its denial of the application and approve the State Guarantee. The request should be accompanied by supporting documents and/or information not previously considered by the Board. The Board shall review the request at its next scheduled meeting, and shall either approve or deny the application. A denial of a request for reconsideration shall be final.
 - 7) Upon approval of an application and receipt of the documentation necessary to prepare loan closing documents, a YFG Loan Closing Documents package, which contains all the appropriate forms and documents to execute, shall be prepared by the Authority and sent to the lender. Upon completion of all such forms and documents by the applicant, lender and Authority and after satisfaction of all loan closing requirements, the YFG loan guarantee will be considered in force.
- f) Provision or Renewal of State Guarantees. The Authority shall provide or renew a State Guarantee to any lender if, in addition to meeting the other criteria described in the Act and this Section, the lender:
- 1) charges a fixed or adjustable interest rate that the Authority determines to be below the market rate of interest generally available to the borrower. If both the lender and applicant agree, the interest rate on the YFG loan can be converted to a fixed interest rate at any time during the term of the loan [20 ILCS 3605/12.4];
 - 2) pays a fee equal to 25 basis points on the loan to the Authority on annual basis [20 ILCS 3605/12.4];
 - 3) agrees to complete and certify that, to the best of the lender's knowledge, all information is true and correct on the application, balance sheets, security analysis, cash flow projection and any other documents that the Authority may request [20 ILCS 3605/12.4];
 - 4) identifies collateral acceptable to the Authority in accordance with subsection (h) that is at least equal to the State Guarantee loan request [20 ILCS 3605/12.4];
 - 5) assumes all responsibility and costs for pursuing legal action on collecting any loan that is delinquent or in default subject to consulting the Authority [20 ILCS 3605/12.4];
 - 6) is at risk for the first 15% of the outstanding principal of the

ILLINOIS FARM DEVELOPMENT AUTHORITY

NOTICE OF ADOPTED AMENDMENTS

- note for which the State Guarantee is provided [20 ILCS 3605/12.4];
- 7) assumes responsibility for the timely collection and disposition of collateral on a YFG loan that is in default; provided, however, that the lender shall not collect or dispose of collateral on the YFG loan without the express written prior approval of the Authority. Approval shall be granted if the collateral is disposed of in a commercial manner, which nets an amount closely approximating the value of the collateral;
- 8) agrees that the Authority has final approval on the sale of all collateral for the YFG loan. After the sale of collateral, the State shall be reimbursed its 85% guaranteed portion of the principal balance at default. If funds from the sale of collateral remain after this payment, the lender shall be reimbursed its 15% of the principal balance at default. If excess funds remain after paying the principal to the State and lender, then the State and lender shall be repaid interest on a prorated basis; 85% of such excess funds shall be allocated to the State's portion and 15% shall be allocated to the lender's portion.

- 9) The YFG Loan shall be subject to an annual review and renewal by the lender and the Authority [20 ILCS 3605/12.4] for adequacy of collateral and performance by the applicant. The applicant is required to provide the lender with a current financial statement annually.
- 1) If it is determined that there is not sufficient collateral to adequately secure the YFG loan, additional collateral may be required. If the applicant is unwilling or unable to pledge additional collateral, the YFG loan may be called due and payable.
- 2) If a YFG loan is going to be called for any reason, written notice which specifies the reasons for said action must be served to all parties (IFDA, lender, and borrower) not less than 90 days prior to call of the loan.
- 3) Failure of the applicant to make any payment on or before its due date shall render the loan delinquent. Notice of this delinquency shall immediately be sent to all parties. If the loan remains delinquent for a period of 90 days, the total outstanding principal and interest shall become due and payable immediately on the entire YFG loan. The YFG loan cannot be reinstated after the 90-day delinquency period.
- h) In the event of default that is not cured within 90 days or in the event a loan is called for any reason, the Authority shall make payment of the guaranteed portion of the YFG loan to the holder of the guarantee. This payment shall be equal to the sum of:
- 1) 85% of the principal balance as of the date of default or date of call less any proceeds received from sales of collateral;
- 2) 85% of the interest balance as of the date of default or call;

ILLINOIS FARM DEVELOPMENT AUTHORITY
NOTICE OF ADOPTED AMENDMENTS

- and
- 3) 85% of the interest accrued from the date of default or call until the date payment is made up to a maximum of 120 days.
- i) The Illinois Farmer and Agribusiness Loan Guarantee Fund shall be used to secure State guarantee on YFG loans. [20 ILCS 3605/12.4]
- 1) The Authority shall guarantee up to \$50,000,000 in loans through the State Livestock Guarantee Program (SLP), YFG and State Guarantee Program for Agri-Industries (SGPAI). The Illinois Farmer and Agribusiness Loan Guarantee Fund shall be funded with \$15,000,000 to cover any losses under these programs.
- 2) The Authority shall direct payments from this fund to guarantee holders as described in subsection (h) above.
- 3) Monies returned to the State on the disposition of collateral as described in subsection (f) above shall be deposited to this fund.

(Source: Amended MAY 30 2001 at 25 Ill. Reg. 6886-, effective 6886-)

Section 1400.148 Rules and Guidelines Applicable to the Specialized Livestock Guarantee Program

- a) General Description of Program. The Specialized Livestock Guarantee Program (SLP) is designed to enhance opportunities for many Illinois farmers who want to position themselves for success in the changing livestock industry. This program targets specialized, family sized livestock operations, including swine and dairy and beef cattle operations. Loan funds may be used primarily for construction, purchase, and/or remodeling of facilities, and also for purchases of equipment, and breeding livestock or other capital assets. In some cases, loan proceeds may be used to refinance existing debt as needed to improve lien positions or improve financial structure. The provisions of this Section are applicable only to the SLP.
- b) Definitions applicable to the SLP.
- "Applicant" means a farmer whose application for a Specialized Livestock Guarantee has been submitted to the Authority by a lender.
- "Asset" includes, but is not limited to, the following: crops or feed on hand; livestock held for sale; breeding stock; cash; marketable bonds and securities; securities not readily marketable; accounts receivable; notes receivable; cash invested in growing crops; net cash value of life insurance; machinery and equipment; cars and trucks; farm and other real estate including life estates and personal residence; value of beneficial interest in trusts; government payments or grants; capitalized leases; retirement accounts; and any other assets.

ILLINOIS FARM DEVELOPMENT AUTHORITY

NOTICE OF ADOPTED AMENDMENTS

"Debt to Asset Ratio" means total outstanding liabilities, including any debt to be financed or refinanced under this Section, divided by total assets.

"Fund" means the Illinois Farmer and Agribusiness Loan Guarantee Fund, which is the State's fund to cover losses resulting from defaults on Specialized Livestock Guarantee loans.

"Liability" includes, but is not limited to, the following: accounts payable; notes or other indebtedness owed to any source; taxes; rent; amounts owed on real estate contracts or real estate mortgages; judgments accrued; interest payable; indebtedness under capitalized leases; and any other liability.

"SLP Loan" means an installment note for which the State of Illinois shall be liable for 85% of the total principal and interest as determined by the Authority.

- c) Eligible Farmers. To qualify for participation in the SLP, the applicant must:
- 1) be a resident of the State of Illinois. In the case of entities other than sole proprietorships, the owners of such entity must be Illinois residents.
 - 2) be the principal operator and/or materially involved in the operation.
 - 3) have adequate cash flow and collateral.
 - 4) certify to the Authority that, at the time the State Guarantee is provided, the borrower will not be delinquent in the repayment of any debt. [20 ILCS 3605/12.5]

- d) Limitations
- 1) SLP loans shall not exceed \$1,000,000 per applicant. An applicant may use this program more than once, provided the aggregated principal of SLP loans to that applicant does not exceed \$1,000,000. [20 ILCS 3605/12.5]
 - 2) Each SLP loan shall be no longer than 15 years in duration. [20 ILCS 3605/12.5] The payment schedule for the loan will be tailored to the applicant's collateral and cash flow.

- 3) The SLP Loan can be fully or partially paid at any time while the loan is outstanding as long as the loan is held in the lender's portfolio and not sold into a secondary market. SLP Loans may not be assumed.

- e) Application Procedures and Review.
- 1) Lenders shall apply for the State Guarantees on forms provided by the Authority and certify that the application and any other documents submitted are true and correct. The application shall, at a minimum, contain the farmer's name, address, present credit and financial information, including cash flow statements, financial statements, balance sheets, and any other information

ILLINOIS FARM DEVELOPMENT AUTHORITY

NOTICE OF ADOPTED AMENDMENTS

pertinent to the application, and the collateral to be used to secure the State Guarantee. [20 ILCS 3605/12.5] Applications shall be processed by the Authority on a first come, first served basis, based upon the receipt of all completed documents by the Authority.

- 2) Each applicant shall pay a \$300 application fee which will be submitted to the Authority at the time of the application. At the time the loan is closed, the applicant will be required to pay a closing fee of 1% of the SLP loan amount less the \$300 application fee. Of this 1% closing fee, the Authority shall receive 3/4% and the lender shall receive 1/4% to cover administrative expenses in completing the application packet and closing documents. The 1% closing fee may be included in the State Guarantee Loan amount. The lender shall charge no fees or points in addition to those outlined herein. The applicant shall be responsible for paying any fee or charge involved in recording mortgages, releases, financing statements, insurance for secondary market issues, and any other similar fee or charge that the Authority may require. [20 ILCS 3605/12.5]
- 3) The lender must agree to charge a fixed or adjustable interest rate that the Authority determines to be below the market rate of interest generally available to the borrower. If both the lender and applicant agree, the interest rate on the State guaranteed loan can be converted to a fixed interest rate at any time during the term of the loan. [20 ILCS 3605/12.5]
- 4) When a State Guarantee application is submitted to the Authority, the Authority shall review the application to determine whether it is complete and whether it meets the criteria established by the Act and this Section. When the Authority has completed the review of the Guarantee application, the application shall be presented, along with a statement of recommended action, to the Board for review at its next regularly scheduled meeting. The review shall include whether the applicant and lender are in compliance with the requirements of the program. The review shall also include an evaluation of collateral, percentage of loan, debt to asset ratio, cash flow, etc.
- 5) The Board shall approve the application and provide the Guarantee, pursuant to the Act and this Section; or, deny the application and serve upon the lender and applicant a written statement of the grounds for the denial.
- 6) If the application is denied, the applicant and the lender may request reconsideration stating reasons why the Board should withdraw its denial of the application and approve the State Guarantee. The request should be accompanied by supporting documents and/or information not previously considered by the Board. The Board shall review the request at its next scheduled meeting, and shall either approve or deny the application. A denial of a request for reconsideration shall be final.

ILLINOIS FARM DEVELOPMENT AUTHORITY

NOTICE OF ADOPTED AMENDMENTS

- 7) Upon approval of an application and receipt of the documentation necessary to prepare loan closing documents, an SLP Loan Closing Documents package, which contains all the appropriate forms and documents to execute, shall be prepared by the Authority and sent to the lender. Upon completion of all such forms and documents by the applicant, lender and Authority and after satisfaction of all loan closing requirements, the SLP Loan guarantee will be considered in force.
- f) Provision of Renewal of State Guarantees. The Authority shall provide or renew a State Guarantee to any lender if:
- 1) the lender pays a fee equal to 25 basis points on the loan to the Authority on an annual basis [20 ILCS 3605/12.5];
 - 2) the applicant provides collateral acceptable to the Authority that is at least equal to the State Guarantee [20 ILCS 3605/12.5];
 - 3) the lender certifies ~~the-lender-must-certify that~~, to the best of the lender's knowledge, all information is true and correct on the application, balance sheets, security analysis, cash flow projection and any other documents submitted;
 - 4) the lender assumes all responsibility and costs for pursuing legal action on collecting any loan that is delinquent or in default [20 ILCS 3605/12.5];
 - 5) the lender is at risk for the first 15% of the outstanding principal of the note for which the State Guarantee is provided [20 ILCS 3605/12.5];
 - 6) ~~the--lender--must--certify--that--to--the--best--of--the--lender's knowledge--all--information--is--true--and--correct--on--the application--balance--sheets--security--analysis--cash--flow projection--and--any--other--documents--submitted;~~
 - 7) the lender assumes responsibility for the timely collection and disposition of collateral on an SLP Loan that is in default; provided, however, that the lender shall not collect or dispose of collateral on the SLP loan without the express written prior approval of the Authority. Approval shall be granted if the collateral is disposed of in a commercial manner, which nets an amount closely approximating the value of the collateral;
 - 78) the lender agrees that the Authority has final approval on the sale of all collateral for the SLP loan. After the sale of collateral, the State shall be reimbursed its 85% guaranteed portion of the principal balance at default. If funds from the sale of collateral remain after this payment, the lender shall be reimbursed its 15% of the principal balance at default. If excess funds remain after paying the principal to the State and lender, then the State and lender shall be repaid interest on a prorated basis; 85% of such excess funds shall be allocated to the State's portion and 15% shall be allocated to the lender's portion.
 - g) The SLP Loan shall be reviewed annually by the lender and IFDA for

NOTICE OF ADOPTED AMENDMENTS

- adequacy of collateral and performance by the applicant. The applicant is required to provide the lender with a current financial statement annually.
- 1) If it is determined that there is not sufficient collateral to adequately secure the SLP Loan, additional collateral may be required. If the applicant is unwilling or unable to pledge additional collateral, the SLP Loan may be called due and payable.
 - 2) If an SLP Loan is going to be called for any reason, written notice which specifies the reasons for said action must be served to all parties (IFDA, lender, and borrower) not less than 90 days prior to call of the loan.
 - 3) Failure of the applicant to make any payment on or before its due date shall render the loan delinquent. Notice of this delinquency shall immediately be sent to all parties. If the loan remains delinquent for a period of 90 days, the total outstanding principal and interest shall become due and payable immediately on the entire SLP Loan. The SLP Loan cannot be reinstated after the 90-day delinquency period.
 - h) In the event of default that is not cured within 90 days or in the event a loan is called for any reason, the Authority shall make payment of the guaranteed portion of the SLP Loan to the holder of the guarantee. This payment shall be equal to the sum of:
 - 1) 85% of the principal balance as of the date of default or date of call less any proceeds received from sales of collateral;
 - 2) 85% of the interest balance as of the date of default or call and
 - 3) 85% of the interest accrued from the date of default or call until the date payment is made, up to a maximum of 120 days.
 - i) *The Illinois Farmer and Agribusiness Loan Guarantee Fund shall be used to secure State guarantees on SLP Loans. [20 ILCS 3605/12.5]*
 - 1) The Authority shall guarantee up to \$50,000,000 in loans through the SLP, YFG and SGPAI. The Illinois Farmer and Agribusiness Loan Guarantee Fund shall be funded with \$15,000,000 to cover any losses under these programs.
 - 2) The Authority shall direct payments from this fund to guarantee holders as described in subsection (h) above.
 - 3) Monies returned to the State on the disposition of collateral as described in subsection (f) above shall be deposited to this fund.

(Source: Amended, 1/1/01) at 25 Ill. Reg. 6886, effective _____)

DEPARTMENT OF NATURAL RESOURCES

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- The full text of the adopted amendment begins on the next page
- 1) Heading of the Part: Disabled Hunting Method Authorizations
- 2) Code Citation: 17 Ill. Adm. Code 760
- 3) Section Number: 760.20
 Adopted Action:
 Amendment
- 4) Statutory Authority: Implementing and authorized by Section 2.33 of the Wildlife Code [520 ILCS 5/2.33].
- 5) Effective Date of Amendment: May 21, 2001
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: February 23, 2000, 25 Ill. Reg. 2962
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements? Yes
- 13) Will this rulemaking replace an emergency rulemaking currently in effect?
No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rulemaking: This amendment creates a new subsection 760.20(a)(5) which provides for issuance of crossbow permits to individuals who are legally blind.
Information and questions regarding this adopted amendment shall be directed to:
- 16)

• 11

Jack Price
Department of Natural Resources
524 S. Second Street, Room 430
Springfield IL 62701-1787
217/782-1809

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER b: FISH AND WILDLIFE

PART 760**DISABLED HUNTING METHOD AUTHORIZATIONS**

Section	Issuance of Permits
760.10	Crossbow Permits
760.20	Standing Vehicle Permits
760.30	Rejection of Application/Revocation of Permits
760.40	

AUTHORITY: Implementing and authorized by Section 2.33 of the Wildlife Code [520 ILCS 5/2.33].

SOURCE: Adopted at 24 Ill. Reg. 4950, effective March 13, 2000; amended at 24 Ill. Reg. 19178, effective December 18, 2000; amended at 25 Ill. Reg. 68 99, effective _____.

Section 760.20 Crossbow Permits**a) Eligibility**

After proper application, the Department may issue a permit to hunt with a crossbow to those persons who have a permanent physical impairment due to injury or disease, congenital or acquired, that renders them so severely disabled as to be unable to use a conventional bow and arrow device. A person who meets any of the following automatically qualifies for a crossbow permit:

- 1) Has an amputation or other loss of one or more arms.
- 2) Has an amputation or other loss of the index and middle finger on the draw and release hand.
- 3) Has a permanent substantial loss of function in one or both arms or one or both hands and fails to meet the minimum standards of any one of the following standard tests, administered under the direction of a licensed physician:

- A) Upper extremity pinch.
- B) Grip.
- C) Nine-hole peg.

4) Has a permanent substantial loss of function in one or both shoulders and fails to meet the minimum standards of the standard shoulder strength tests, administered under the direction of a licensed physician.

5) Is blind.

- A) For the purpose of this subsection (a)(5), an individual is blind only if his or her central visual acuity does not exceed 20/200 in the better eye with correcting lenses, or if his or her visual acuity is greater than 20/200 but is

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

accompanied by a limitation in the fields of vision such that the widest diameter of the visual fields subtends an angle no greater than 20 degrees.

- B) The holder of a crossbow permit issued under this subsection (a)(5) shall be accompanied by a person who is not eligible to apply for a permit under this subsection. The accompanying person may not hunt or carry a firearm, bow, or crossbow unless that person has the appropriate licenses and/or permits to do so. The assistance rendered by the accompanying person who has not been issued the appropriate licenses and/or permits shall be limited to sighting the crossbow, identifying the game and field dressing, tagging and retrieving game for the permit holder.
- C) By virtue of applying for a crossbow permit, the applicant is certifying that he or she is physically unable to use a conventional bow and arrow device. Once the crossbow permit is issued, and during the period that it is in effect, the permittee shall be limited to using a crossbow while archery hunting.

- b) Any applicant with a permanent physical disability who, after taking the standard tests described in subsections (a)(3) and (a)(4), fails to qualify for a crossbow permit may file a supplemental application with the Department for further consideration and review. The nature of the applicant's disability and how it renders the applicant unable to use a conventional bow and arrow device must be thoroughly explained on the supplemental application by the physician. The supplemental application shall be forwarded to a physician, selected by the Department, who is board certified in occupational and preventive medicine. The Department's physician will then notify the Department as to whether the applicant should be issued a crossbow permit.

- c) Permits issued under this Section shall be valid for a period of 3 years from the date of issuance specified on the permit.
- d) Loss of the crossbow hunting permit shall require the holder to reapply.
- e) Reapplication will require the applicant to certify that he is still suffering from a permanent physical disability that renders him unable to use a conventional bow and arrow device.

- f) **Crossbow Equipment Requirements**
- Crossbows used in hunting as authorized by a permit issued under this Section shall meet all of the following specifications:
- 1) Shall have a minimum peak draw weight of 125 pounds and a maximum peak draw weight of 200 pounds.
 - 2) Shall have a minimum limb width of 24 inches and a minimum overall length (from butt of stock to front of limbs) of 24 inches.
 - 3) Shall have a working safety.
 - 4) Shall be used with bolts or arrows of not less than 14 inches in

DEPARTMENT OF NATURAL RESOURCES
NOTICE OF ADOPTED AMENDMENTS

length (not including point) with a broadhead. Broadheads may have fixed or expandable blades, but they must be barbless and have a minimum 7/8 inch diameter when fully opened. Broadheads with fixed blade must be metal or flint-, chert-, or obsidian-napped; broadheads with expandable blades must be metal. In accordance with 17 Ill. Adm. Code 530, flu flu arrows must be used on State owned and managed hunting areas for the taking of upland game.

g) Crossbow Hunting Rules

- 1) Crossbow permit holders are authorized to take game species during the seasons open to their taking by the use of archery devices. Season dates, hours, daily limits, possession limits, and all other requirements of law apply.
- 2) The issuance of a crossbow permit does not exempt the holder from the necessity of obtaining hunting licenses, stamps, or other permits as required by law.
- 3) The crossbow permit must be carried by the hunter while exercising this privilege and must be presented to any law enforcement authority upon request.

(Source: Amended at 25 Ill. Reg. ~~68~~ 9 effective
(Source: MAY 2, 2001)

DEPARTMENT OF NATURAL RESOURCES
NOTICE OF ADOPTED AMENDMENTS

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Youth Hunting Seasons

- 2) Code Citation: 17 Ill. Adm. Code 685
- 3) Sections Numbers: Adopted Action:

685.10	Amendment
685.20	Amendment
685.30	Amendment
685.50	Amendment
685.60	Amendment
685.80	Amendment
685.90	Amendment
685.100	Amendment
685.110	Amendment
685.120	Amendment

4) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 2.24, 2.25, 2.26 and 3.36 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 2.24, 2.25, 2.26 and 3.36].

5) Effective Date of Amendments: May 21, 2001

- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these amendments contain incorporations by reference? No
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

- 9) Notice of Proposal Published in Illinois Register: February 16, 2001, 25 Ill. Reg. 2661
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Differences between proposal and final version:

Section 685.20(a) was changed to read as follows:

- a) Illinois resident hunters must have a current, valid "Youth Deer Hunt Permit" (\$10). The Youth Deer Season is only open to Illinois residents who have not reached their 16th birthday, will be--at--least--10--years--of--age--but--not--have--reached--their--16th birthday--by--the--start--of--the--Youth--Beer--Season:--All participating--youths--must have completed a State-approved Hunter

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Education course and have a hunting license, unless exempt, by the start of the Youth Deer Season. A permit is issued for one county or special hunt area and is valid only in the county or special hunt area stated on the permit. For permit applications and other information write to:

Section 685.20(b) - in two places - "August" was reinstated and "June" removed

Section 685.80 - replaced "Applicants must be between the ages of 10-15" with "Applicants must not have reached their 16th birthday, have completed a State-approved Hunter Education course and have a hunting license, unless exempt, by the start of the Youth Deer Season."

Section 685.110(4)(A) - deleted "except previous participants may apply for Bonnellev/DeRue State Wildlife Area Permits."

Section 685.110(b)(5) - added "non" prior to "hunting adults."

Section 685.120(a) - removed "Lake Shelbyville-Kaskaskia and West Okaw

Section 685.120(b) - added "Lake Shelbyville-Kaskaskia and West Okaw

- 112) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes

113) Will this rulemaking replace an emergency rulemaking currently in effect? No

114) Are there any amendments pending on this Part? No

115) Summary and Purpose of Rulemaking: This Part is being amended to add information pertaining to all youth hunting seasons. Language on youth hunts in 17 Ill. Adm. Code 650 - White-Tailed Deer Hunting by Use of Firearms; 17 Ill. Adm. Code 730 - Dove Hunting; 17 Ill. Adm. Code 590 - Duck, Goose and Coot Hunting; and 17 Ill. Adm. Code 530 - Cock Pheasant, Hungarian Partridge, Bobwhite Quail and Rabbit Hunting is being incorporated into this Part.

116) Information and questions regarding these adopted amendments shall be directed to:
Jack Price
Department of Natural Resources
524 S. Second Street, Room 430
Springfield IL 62701-1787

The full text of the adopted amendments begins on the next page:

116) Information and questions regarding these adopted amendments shall be directed to: Jack Price

Back 241c
Department of Natural Resources
524 S. Second Street, Room 430
Springfield IL 62701-1787
217/782-1809

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER b: FISH AND WILDLIFE

PART 685

YOUTH HUNTING SEASONS SEASON-FOR-WHITE-TAILED-DEER

Section	Statewide Season for White-Tailed Deer Hunting
685.10	Statewide Deer Permit Requirements for Hunting the Youth Deer Season
685.20	Statewide Firearm Requirements for Hunting the Youth Deer Season
685.30	Statewide Deer Hunting Rules
685.40	Reporting Harvest of Deer
685.50	Rejection of Application/Revocation of Deer Permits
685.60	Regulations at Various Department-Owned or Managed Sites
685.70	Youth White-Tailed Deer Hunt
685.80	Heritage Youth Wild Turkey Hunt - Spring Season
685.90	Youth Pheasant Hunting
685.100	Youth Waterfowl Hunting
685.110	Youth Dove Hunting
685.120	

AUTHORITY: Implementing and authorized by Sections 1.3, 1.4, 2.24, 2.25, 2.26 and 3.36 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 2.24, 2.25, 2.26 and 3.36].

SOURCE: Adopted at 20 Ill. Reg. 12452, effective August 30, 1996; amended at 21 Ill. Reg. 14548, effective October 24, 1997; amended at 25 Ill. Reg. 6904 effective MAY 21 2001.

Section 685.10 Statewide Season for White-Tailed Deer Hunting

- a) Season: One-half hour before sunrise Noon on Saturday of the State designated Columbus Day Holiday weekend to sunset on Sunday of that weekend. Shooting hours are one-half hour before sunrise to sunset.
- b) The Department of Natural Resources (Department) shall open a select county or counties to harvest surplus deer via youth deer hunting using shotgun or muzzleloader. The Department shall notify the public which county or counties will be open via a news release.

(Source: Amended at 25 Ill. Reg. 6904, effective MAY 21 2001)

Section 685.20 Statewide Deer Permit Requirements

- a) Illinois resident hunters must have a current, valid "Youth Deer Hunt Permit" (\$10.00). The Youth Deer Season is only open to Illinois residents who have not reached their 16th birthday, with-be-at-least 10-years-of-age-but-not-have-reached-their-16th-birthday--by--the start--of--the--Youth-Deer-Season--All-participating-youths--must have
- b) Permits are not transferable. Refunds shall not be granted unless the
- c) Recipients of the Youth Deer Season Hunt Hunting Permit shall record their signature--hunting-license-number--exempt--and--physical description on the permit and must carry it on their person while hunting.
- d) Permits shall be issued for the Youth Deer Season. A license, unless exempt, by the start of the Youth Deer Season. A permit is issued for one county or special hunt area and is valid only in the county or special hunt area stated on the permit. For permit applications and other information write to:

Department of Natural Resources
Youth Deer Permit (Youth-Deer-Season)

Division-of-Education
Public-Events-and-Promotions-Section
524 South Second Street, Room 210
Springfield, IL 62701-1787

- b) Applications shall be accepted beginning August 1 and ending on the tenth weekday in August for the Youth Deer Season in October. Applications received after the tenth weekday shall not be included in the drawing. Permits shall be allocated in a random drawing. Applications not correctly filled out shall be rejected from the random drawing. Permits shall be issued as antlerless only. If more space is available than the number of applications received, remaining permits will be filled in random daily drawings on-a-first-come-first-served-basis.
- c) In-person and mail-in applications shall receive equal treatment in the drawings.
- d) Each applicant must apply using the official agency Youth Deer Hunt Season Permit Application, and must complete all portions of the form. No more than six one applications application per envelope shall be accepted. Each applicant must submit a separate personal check or money order. Separate envelopes must be used to send permit applications for regular firearm, muzzleloading rifle, archery, handgun, free or paid landowner/tenant permits, and youth deer season permits.
- e) For the applicant to be eligible to receive a Youth Deer Season Permit (\$10.00), applicant must be an Illinois resident and not have had his or her deer hunting privileges suspended or revoked in this State pursuant to Section 3.36 of the Wildlife Code [520 ILCS 5/3.36]. Deer hunting seminars covering deer hunting safety and aspects of deer hunting will be made available to participating youths. Successful applicants-will-be-notified-by-mail-when-and-where-they-should-report-to--receive--their--permits-shall-be-issued-at-the-time-of-the-hunt--All-permit-holders-shall-be-required-to-attend-an-instructional-session-immediately-preceding-the-hunt--Applications-will-be-returned-to-unsuccessful-applicants.
- f) Recipients of the Youth Deer Season Hunt Hunting Permit shall record their signature--hunting-license-number--exempt--and--physical description on the permit and must carry it on their person while hunting.

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Department has erroneously issued the permit after the quota has been depleted or where the applicant was unsuccessful in obtaining a permit.

i) A \$3.00 service fee shall be charged for replacement permits issued by the Department, except when permits are lost in the mail there will be no charge. Monies derived from this source will be deposited in the Wildlife and Fish Fund.

j) Each applicant must enclose a separate \$10.00 check or money order payable to the Department of Natural Resources, or the application shall be returned. Applicants should not send cash with their applications. The Department shall not be responsible for cash sent through the mail.

k) Permits issued for the Youth Deer Hunt season will not be counted in the number of gun permits a person can receive for the Firearm and Muzzleloader-Only Deer Season.

(Source: Amended at 25 Ill. Reg. 6904, effective)

Section 685.30 Statewide Firearm Requirements for Hunting the Youth Deer Season

a) Specifications of legal firearms and their respective legal ammunition for the Youth Deer Hunt are described below:

- 1) Shotgun, loaded with slugs only, of not larger than 10 nor smaller than 20 gauge, not capable of firing more than 3 consecutive slugs; or

2) A single or double barreled muzzleloading firearm of at least .45 caliber shooting a single projectile through a barrel of at least sixteen inches in length;

3) The minimum size of the firearm projectile shall be .44 caliber. A wad or sleeve is not considered a projectile or part of the projectile. Non-expanding, military-style full metal jacket bullets cannot be used to harvest white-tailed deer; only soft point or expanding bullets (including copper/copper alloy rounds designed for hunting) are legal ammunition.

b) The standards and specifications for use of such muzzleloading firearms are as follows:

1) A muzzleloading firearm is defined as a blackpowder firearm that is incapable of being loaded from the breech end.

2† ~~The minimum size of the muzzleloading firearm-projectile-shall-be-.44-caliber---A-wad-or-sleeve-is-not-considered-a-projectile-or-a-part-of-the-projectile---Full-metal-jacket-bullets-can-not-be-used-to-harvest-white-tailed-deer.~~

23) Only black powder or a black powder substitute such as Pyrodex may be used. Modern smokeless powders (nitrocellulose-based) do not qualify as a "blackpowder substitute" No-smokeless-powder-may be-used.

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

34) Percussion caps, wheellock, matchlock or flint type ignition only may be used.

45) Removal of percussion cap, or removal of prime powder from frizzan pan with frizzan open and hammer all the way down, or removal of prime powder from flashpan and wheel un-wound, or removal of prime powder and match with match not lit shall constitute an unloaded muzzleloading firearm.

c) It shall be unlawful to use or possess any type of firearm or ammunition in the field other than those specifically authorized by this rule while hunting white-tailed deer during the Youth Deer Hunting Season, but archery deer hunters in possession of a valid archery deer permit may hunt during this season provided that, in county or counties open to youth deer hunting, they wear the orange garments required of gun deer hunters. The otherwise lawful possession of firearms to take furbearing mammals and game mammals other than deer shall not be prohibited during the Youth Deer Hunting Season as set in Section 685.10.

(Source: Amended at May 17, 2001 Reg. 6904, effective)

Section 685.50 Reporting Harvest of Deer

a) Deer shall be checked in by the hunter in person by 8:00 p.m. the same day the deer is harvested at the authorized county Youth Deer check station.

b) Failure to follow this Section constitutes illegal possession of deer.

(Source: Amended at May 17, 2001 Reg. 6904, effective)

Section 685.60 Rejection of Application/Revocation of Deer Permits

a) In the event that an applicant commits one of the violations described in subsections (a)(1) through (4) ~~45)-below~~, the application shall be held in suspension, and the application fees shall be deposited, pending a determination by the Department of whether the violation was knowing. If the Department determines the violation was knowing, the application shall be rejected and the fee shall be retained by Natural Resources. The applicant may request a hearing on this decision pursuant to 17 Ill. Adm. Code 2530. Should it be determined that the violation was without the knowledge of the applicant, the permit office will process the application.

- 1) Submitting more than one application in the same name or by the same person for a Youth Deer Hunt Season Permit.
- 2) Providing false and/or deceptive information on the deer permit application form.
- 3) Submitting an application when the applicant has a license or

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- permit currently revoke pursuant to Section 3.36 of the Wildlife Code [520 ILCS 5/3.36].
- 4) Submitting an incomplete or incorrect application.
 - 5) ~~Applicant having previously received a Youth-Deer-Hunting--permit for-the-current-season.~~
 - b) Any violation of the Wildlife Code, in addition to other penalties, may result in revocation of hunting licenses and permits as per 17 Ill. Adm. Code 2530.

(Source: Amended at 25 Ill. Reg. 6904, effective
May 1, 2011)

Section 685.80 Youth White-Tailed Deer Hunt

Statewide regulations shall apply except as noted in parentheses at the following sites by special permit allocated through the regular statewide drawing. Shooting is allowed from elevated tree stands, except as noted in parentheses. Applicants must not have reached their 16th birthday, have completed a State-approved Hunter Education course and have a hunting license, unless exempt, by the start of the Youth Deer Season. Only one tree stand is allowed per person. Tree stands must comply with restrictions listed in 17 Ill. Adm. Code 510.10(c)(3) and must be portable. Tree stands may be set up the day before the hunt and shall be removed the day after. All tree stands must be marked with a site assigned identification number. Check-in, check-out and report of harvest is required.

Crab Orchard National Wildlife Refuge (first season only)

Dixon Springs State Park

Fort Massac State Park (first season only)

Lake Le Aqua Na State Park (hunting from Department established ground blinds only; first season only; supervisors may hunt, but may only take antlerless deer)

(Source: Added at 25 Ill. Reg. 6904, effective
May 1, 2011)

Section 685.90 Heritage Youth Wild Turkey Hunt - Spring Season

- a) Turkey Permit Requirements - Heritage Youth Turkey Hunt
 - 1) The Heritage Youth Wild Turkey Hunt is open only to Illinois residents who will be between the ages of 10 - 15 inclusive by the start of the Heritage Youth Wild Turkey Hunt. All participating youths must have completed a Department-approved Hunter Education course. All youth hunters must have a current, valid Heritage Youth Wild Turkey Hunt Permit (\$10). For permit
- b) Turkey Hunting Regulations
It is unlawful:
 - 11) Permits issued for the Heritage Youth Wild Turkey Hunt will not be counted in the number of permits a person can be issued for the regular Spring Wild Turkey Season.

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

and other information write to:

Illinois Department of Natural Resources
Youth Turkey
524 S. Second Street, Room 210
P.O. Box 19227
Springfield, IL 62794-9227

- 2) Each applicant must enclose a separate fee (check or money order) payable to the Department of Natural Resources, or the application will be returned. Applicants should not send cash with their applications. The Department will not be responsible for cash sent through the mail.
- 3) Each applicant must complete the official Department Heritage Youth Wild Turkey Permit application.
- 4) The season dates and open counties will be determined annually by the Director of the Illinois Department of Natural Resources. The number of permits issued will be in addition to the established county permit quotas. The dates of the application period for permits will be publicly announced annually by the Department.
- 5) The applicants must not have had their hunting privileges suspended or revoked in this State or any other state.
- 6) If more than one application for an Illinois Heritage Youth Wild Turkey Hunt Permit is received from the same person, all applications submitted in that name will be rejected and permits revoked.
- 7) A \$3 service fee will be charged for replacement permits issued by the Department.
- 8) Each Illinois Heritage Youth Wild Turkey Hunt Permit holder is required to be accompanied by a parent/guardian or responsible adult who possesses a valid Firearm Owners Identification (FOID) Card. The accompanying adult must be present for the permit holder (Youth) to hunt. The adult and/or adult caller is not allowed to hunt, but may accompany the youth hunter as a caller or observer.
- 9) The Heritage Youth Wild Turkey Hunt Permit will only be valid for the dates and counties listed on the permit. Each youth must also possess a valid Illinois hunting license prior to hunting, unless exempt.
- 10) Turkey hunting seminars covering turkey hunting safety and aspects of turkey hunting will be made available to participating youths.
- 11) Permits issued for the Heritage Youth Wild Turkey Hunt will not be counted in the number of permits a person can be issued for the regular Spring Wild Turkey Season.

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- 1) to use live or electronic turkey decoys, recorded calls, decoys, or bait (an area is considered as baited during the presence of and for 10 consecutive days following the removal of the bait);
- 2) to take any wild turkey except a hen with a visible beard or a gobbler (male);
- 3) to take, or attempt to take, more than three wild turkeys during the spring season without a valid permit for each turkey that is taken;
- 4) to use any hunting device except a shotgun or bow and arrow. #4 shot is the largest and #7 1/2 is the smallest size shot that may be legally used. Archers may use a long, recurved, or compound bow with a minimum pull of 40 pounds at some point within a 28-inch draw. Minimum arrow length is 20 inches, and broadheads must be used. Broadheads may have fixed or expandable blades, but they must be barbless and have a minimum 7/8 inch diameter when fully opened. Broadheads with fixed blades must be metal or flint-, chert-, or obsidian-knapped; broadheads with expandable blades must be metal. Any mechanical device capable of maintaining a drawn position or partially drawn position on a bow is illegal. All other bows and arrows, including electronic arrow tracking systems, are illegal;
- 5) to hunt except from 1/2 hour before sunrise to noon during each day of the season;
- 6) for any person having taken the legal limit of wild turkeys to further participate with a hunting device in any hunting party for the purpose of taking additional wild turkeys;
- 7) for any person to possess, while in the field during wild turkey season, any turkey permit issued to another person (permits are non-transferable);
- 8) to transport or leave a wild turkey without first affixing the adhesive-backed turkey permit securely around the leg. Leg tag must be affixed to the turkey immediately upon kill and before the turkey is moved, transported or field dressed. Successful hunters must register their harvest by 2:00 p.m. on the same calendar day the turkey was taken by calling the toll-free telephone number provided with their turkey hunting permit. Hunters must provide all information requested by the telephone check-in system, and will be provided with a confirmation number to verify that they checked in their harvest. The confirmation number must be written by the hunter onto the leg tag. The leg tag must remain attached to the leg of the turkey until it is at the legal residence of the person who legally took or possessed the turkey and the turkey has been checked in. The turkey must remain whole (or field dressed) until it has been checked in; and
- 9) for any person to shoot a wild turkey while it is in a tree before 7:00 a.m.

(Source: Added at 25 Ill. Reg. 6904-3, effective 6/1/04.)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

(VIA FAX TO [REDACTED])

Section 685.100 Youth Pheasant Hunting

- a) Permit Requirements
- 1) Applicants must contact the Department to obtain a permit reservation. Starting dates and methods for making reservations will be publicly announced. Only applications for reservations submitted by Illinois residents will be processed during the first two weeks of the application period. Reservations will be confirmed. Up to six reservations, but only one per applicant may be made. Multiple reservations for the same person will not be accepted and that person will forfeit his right to acquire a reservation for the season. There is no fee for the youth pheasant hunting permit.
 - 2) Only one permit per person will be issued until the daily quota is filled. The daily quota is determined by the formula: one hunter per 10 to 40 huntable acres. Huntable acres are determined by, but not limited to, the biological studies on the number of the species available, the condition, topography, and configuration of the land at the site, the condition of the roads at the site, and the number of employees available to work at the site.
 - 3) The Springfield Permit Office cannot transfer or alter reservations to change hunting areas, dates or hunters' names. Permits cannot be transferred on the hunting areas. For other information write to:
- Illinois Department of Natural Resources
Pheasant
524 South 2nd Street, Room 210
P. O. Box 19457
Springfield, Illinois 62794-9457
- 4) Reservations for the Illinois Youth Pheasant Hunt will be issued from the Springfield Permit Office for Chain O'Lakes State Park, Des Plaines Conservation Area, Edward R. Madigan State Park, Eldon Hazlet State Park (Carlyle Lake), Iroquois County Conservation Area, Moraine View State Park, Wayne Fitzgerrell (Rend Lake) State Park, Richland County Controlled Pheasant Hunting Area, Mackinaw River State Fish and Wildlife Area, Horseshoe Lake State Park (Madison County), Sand Ridge State Forest, Sangchris Lake State Park and Jim Edgar Panther Creek State Fish and Wildlife Area (Controlled Area).
 - 5) Hunting Regulations
 - 6) The Illinois Youth Pheasant Hunt will be held on the Sunday following the opening of the statewide upland game season, except at the Richland County Controlled Pheasant Hunting Area.

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

where the hunt will be held on the Sunday preceding Thanksgiving and at Mackinaw River State Fish and Wildlife Area where the hunt will be the Saturday preceding the opening of the statewide upland game season.

- 2) Hunting hours are from 9:00 a.m. to 4:00 p.m., except at Sangchris Lake hunting hours are from 12 noon to 4:00 p.m. Hunters with reservations or permits are required to check in at the check station between 7:00 a.m. and 8:00 a.m. (between 10:00 a.m. and 10:30 a.m. at Sangchris Lake State Park).
- 3) All hunters must be between the ages of 10 - 15 inclusive and have a youth hunting permit. Stand-by permits will not be available except at Sangchris Lake and Edward R. Madigan State Park.

- 4) All hunters are required to deposit their hunting licenses in the check station while hunting. Each permit holder MUST be accompanied by a non-hunting supervisory adult. If the hunter does not have a valid Firearm Owner's Identification (FOID) Card, the supervisory adult is required to have a valid FOID Card. Only one supervisory adult in a hunting party is required to have a valid FOID Card if the hunters in the hunting party stay under the immediate control (accompany youth hunter at all times) of the supervisory adult possessing the valid FOID Card.
- 5) Supervising adults are required to wear a cap and upper outer garment of solid and vivid blaze orange of a least 400 square inches. Hunters must wear a back patch issued by the check station.

- 6) Anyone who has killed game previously and has it in his possession or in his vehicle must declare it with the person in charge of the area prior to hunting on the area. All previously killed game found in a hunter's possession after he has started hunting on the area will be considered illegally taken if the hunter has not declared it prior to going into the field.

- 7) All hunting must be done with shotguns. Only shot shells with a shot size of #5 lead, tungsten-polymer, tungsten-matrix, #4 bismuth or #3 steel or tin or smaller may be used, except at Chain O' Lakes State Park and Wayne Fitzgerrell State Park where only shot shells approved as non-toxic by the U.S. Fish and Wildlife Service with a shot size of #3 steel or tin, #4 bismuth, #5 tungsten-iron, tungsten-polymer, tungsten-matrix or smaller may be used.

- 8) Daily limit.
 - A) Two pheasants of either sex at Eldon Hazlet State Park, Iroquois County Conservation Area, Des Plaines Conservation Area, Richland County Controlled Pheasant Hunting Area, Wayne Fitzgerrell State Park, Horseshoe Lake State Park (Madison County) and Sand Ridge State Forest.
 - B) Two cock pheasants only at the Moraine View State Park, Mackinaw River State Fish and Wildlife Area and Chain O'

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Lakes State Park.

- C) Statewide Upland Game Limits at Sangchris Lake State Park, Edward R. Madigan State Park and Jim Edgar Panther Creek State Fish and Wildlife Area Controlled Unit.
- 9) All pheasants must be affixed with a Department tag before they are removed from the area. The tag must remain on the leg of the pheasant until the pheasant is finally prepared for consumption.

(Source: Added at 25 Ill. Reg. 6904-, effective MAY 1 2011)

Section 685.110 Youth Waterfowl Hunting

a) Permit Requirements

- 1) Permit reservations shall be accepted starting in September. Initial acceptance dates shall be publicly announced. Applicants must be between the ages of 10 - 15 inclusive on the date of the hunt.
- 2) Only one permit per person shall be issued for the hunt on the first weekday after December 26 other than a Monday at Horseshoe Lake Conservation Area (Alexander County) and Union County Conservation Area and on the Sunday immediately preceding the first firearm deer season as set forth in 17 Ill. Adm. Code 650.10 at Donnelley/DePue State Wildlife Area (3 "i" unit), Banner Marsh State Fish and Wildlife Area and Snakeden Hollow State Fish and Wildlife Area, and on the first weekend and third Saturday of the Illinois Central Zone Waterfowl season at Donnelley State Wildlife Area.
- 3) The permit shall be for the use of the entire blind and it shall be the responsibility of the permit holder to bring one supervising adult who may also hunt.
- 4) Permit reservations and transferability.

A) All duplicate permit reservations shall be rejected and the hunter shall forfeit his rights to a permit. Permits are not transferable. Previous participants are ineligible to apply for a permit.

B) For other information write to:

Illinois Department of Natural Resources
Youth Waterfowl Hunt
524 S. Second Street, Room 210
P.O. Box 19457
Springfield, IL 62794-9457

5) Permits for the Illinois Youth Waterfowl Hunt will be issued from the Springfield Permit Office.

- b) General Waterfowl Hunting Regulations at the Youth Waterfowl Hunting Areas

DEPARTMENT OF NATURAL RESOURCES
NOTICE OF ADOPTED AMENDMENTS

1) Hours, Permits and Stamp Charges

- A) Hunting hours at Horseshoe Lake (Alexander County) and Union County are from legal opening until 1:00 p.m. on the day of the Youth Goose Hunt. Hunting hours at Donnelley/DePue State Wildlife Area (3 "i" Unit), Banner Marsh State Fish and Wildlife Area and Snakeden Hollow State Fish and Wildlife Area are from statewide opening to 1:00 p.m. on the days of the youth waterfowl hunts.
- B) At Union County Conservation Area, Horseshoe Lake Conservation Area (Alexander County) and Snakeden Hollow State Fish and Wildlife Area, hunters with Illinois Youth Waterfowl Hunt Permit reservations are required to check in at the check station between 5:00 a.m. and 5:30 a.m. Permits are void after 5:30 a.m. A drawing shall be held on the morning of the hunt to allocate blind sites.
- C) At Donnelley/DePue State Wildlife Area (3 "i" Unit) and Banner Marsh Fish and Wildlife Area, hunters with Illinois Youth Waterfowl Hunt Permit reservations are required to check in one hour before shooting time. The blinds will be allocated by drawing. For the youth hunts other than the Illinois Youth Waterfowl Hunt, hunters with permit reservations must check in at the check station no later than one hour before shooting time or the permit is void.
- D) There is no fee for the Illinois Youth Waterfowl Hunting Permit.
- 2) Hunting must be done from assigned blinds only and hunters, unless authorized, shall not move from blind to blind or leave the blind and return.
- 3) Guns must be unloaded and encased at all times when not hunting.
- 4) At Union County Conservation Area, Horseshoe Lake Conservation Area (Alexander County) and Snakeden Hollow State Fish and Wildlife Area, each youth shall not possess more than 25 shells. Each adult shall not possess more than 5 shells for each Canada goose allowed in the daily bag. Hunters without their guns may leave the blind to retrieve crippled waterfowl.
- 5) Each youth and supervising adult may be accompanied by a non-hunting guide. The maximum number of people in a blind is two hunting youth, two non-hunting adults and a non-hunting guide.
- 6) At Rend Lake, hunters participating in the youth hunt must sign in and out, no entry into subimpoundments before 4:30 a.m. and must be out of subimpoundments by 2:00 p.m.

c) Special Hunts

If, by regulation published in the Federal Register, the U.S. Fish and Wildlife Service sets any special dates for youth-only waterfowl hunting, the Department shall, by public announcement, open those Department sites that, under the circumstances prevailing at the time, the Department believes may be opened without unduly disturbing other

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Department programs.

(Source: Added May 21, 2014)
Reg. 6904, effective

- Section 685.120 Youth Dove Hunting
- a) A one-day Youth Dove Hunt will be held the first weekend day in September or Labor Day, whichever comes first, at the following sites:

Horseshoe Lake State Park (Madison County)

Ramsey Lake State Park

Sangchris Lake State Park

Silver Springs State Park

Stephen A. Forbes State Park

- b) A one-day youth/adult dove hunt will be held the first weekend day in September or Labor Day, whichever comes first, where both the youth and adult will be permitted to hunt at the following sites:

Kankakee River State Park

Lake Shelbyville-Kaskaskia and West Okaw Wildlife Management Area

Mackinaw River State Fish and Wildlife Area

Mt. Vernon Game Farm

Sam Parr State Park

- c) Hunting hours are from 12:00 p.m. to 5:00 p.m. Check-in time is from 10:00 a.m. to 11:00 a.m.

d) Hunter quota will be announced by public news release. Hunter quota is determined by the formula: one hunter per 10 to 40 huntable acres. Huntable acres are determined by, but not limited to, the biological studies on the number of the species available; the condition, topography, and configuration of the land at the site; and the number of employees available to work at the site.

e) All hunters must have a hunting permit and wear a back patch while hunting. Stand-by permits will be available at the site by lottery drawing if vacancies occur.

f) Applicants must be between the ages of 10 - 15 inclusive, with a valid Illinois hunting license.

DEPARTMENT OF NATURAL RESOURCES

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF ADOPTED AMENDMENTS

- g) Each youth must be accompanied by a supervising adult. If the hunter does not have a valid Firearm Owner's Identification (FOID) Card, the supervising adult is required to have a FOID Card. Only one supervising adult in a hunting party is required to have a valid FOID Card if the hunters in the hunting party stay under the immediate control (accompany youth hunters at all times) of the supervising adult possessing the valid FOID Card. All adult hunters must have a valid FOID card.

h) Applicants must contact the Department to obtain a permit reservation. Starting dates and methods for making reservations will be publicly announced. Applicants making reservations will be sent confirmation. Up to six reservations, but only one per applicant, may be made. Multiple reservations for the same person will not be accepted and that person will forfeit his right to acquire a reservation for the season.

(Source: Added 9/14/02) at 10:00 25 Ill. Reg. 09/04/2002, effective

- | | <u>Section Number:</u> | <u>Adopted Action:</u> |
|----|------------------------|------------------------|
| 1) | 315.10 | New Section |
| 2) | 315.20 | New Section |
| | 315.30 | New Section |
| | 315.40 | New Section |
| | 315.50 | New Section |
| | 315.60 | New Section |
| | 315.70 | New Section |
| | 315.80 | New Section |
| | 315.90 | New Section |
| | 315.100 | New Section |
| | 315.110 | New Section |
| | 315.120 | New Section |
| | 315.130 | New Section |
| | 315.140 | New Section |
| | 315.150 | New Section |
| | 315.160 | New Section |
| | 315.170 | New Section |
| | 315.180 | New Section |
| | APPENDIX A | |
| | TABLE A | New Section |
| | TABLE B | New Section |
| | TABLE C | New Section |
| | TABLE D | New Section |
| | TABLE E | New Section |
| | ILLUSTRATION A | New Section |
| | ILLUSTRATION B | New Section |

Statutory Authority: Implementing and authorized by the Laser System Act of 1997 [420 ILCS 56].

5) Effective Date of Rules: May 17, 2001

Does this rulemaking contain an automatic repeal date? No

Does this rulemaking contain incorporations by reference? Yes

A copy of the adopted rules, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Notice of Proposal Published in the Illinois Register: January 5, 2001 (25 Ill. Reg. 1)

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF ADOPTED RULES

- 10) Has JCAR issued a Statement of Objection to these rules? No
11) Differences between proposal and final version:

- a) In Section 315.40, by adding definitions for "Class 2a lasers" and "Fire-resistant material".
- b) In Section 315.50(a), by inserting "Class 2a" after "Class 2".
- c) In Section 315.50(b), by deleting the word "Embedded" and inserting "Laser systems containing embedded".
- d) In Section 315.100(a)(6)(A), by changing the word "Incidental" to the word "All".

- e) In Section 315.100(b)(5), by inserting after the word "officer," the following: "when engineering or other procedural and administrative controls are inadequate to eliminate potential exposure in excess of the applicable MPE".
- f) In Section 315.100(c)(3)(B), by inserting after the word "used", the following: "that were not supplied as part of a certified laser product,".
- g) In Section 315.100(c)(4)(B), by deleting the redundant comma.
- h) In Section 315.140(c)(3), by changing the word "shall" to "must".

- i) In Section 315.150, by inserting after the number "1040", the following: ", and labels otherwise approved by the FDA".

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

- 13) Will these rules replace emergency rules currently in effect? No
14) Are there any amendments pending on this Part? No

- 15) Summary and Purpose of Rules: These rules will: (1) exempt Class 1, 2, 2a and 3a lasers from registration requirements; (2) require registration of Class 3b and 4 lasers; (3) set forth requirements for laser safety programs and laser safety officers; (4) set forth requirements for the safe operation of lasers; (5) set forth requirements for notifications, reports and records; and (6) provide for inspections and investigations by the Department.

- 16) Information and questions regarding these adopted rules shall be directed to:

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF ADOPTED RULES

Robert B. Holtsclaw
Senior Staff Attorney
Department of Nuclear Safety
1035 Outer Park Drive
Springfield, Illinois 62704
(217) 524-0770 (voice)
(217) 782-6133 (TDD)

The full text of the adopted rules begins on the next page:

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF ADOPTED RULES

"Attenuation" means the decrease in the radiant power of any optical beam as it passes through an absorbing and/or scattering medium.

"Certified laser system" means that the system is certified by a manufacturer pursuant to the requirements of 21 CFR 1010.2.

"Class 1 laser" means any laser that meets the criteria of a Class 1 laser, as defined in 21 CFR 1040.

"Class 2 laser" means any laser that meets the criteria of a Class 2 laser, as defined in 21 CFR 1040.

"Class 2a laser" means any laser that meets the criteria of a Class 2a laser, as defined in 21 CFR 1040.

"Class 3 laser" means any laser that meets the criteria of a Class 3 laser, as defined in 21 CFR 1040. Class 3 lasers are separately designated as Class 3a or Class 3b.

"Class 4 laser" means any laser that meets the criteria of a Class 4 laser, as defined in 21 CFR 1040.

"Controlled area" means any area where the occupancy and access of those within is subject to control and supervision by the registrant for the purpose of protection from laser radiation hazards.

"Department" means Department of Nuclear Safety.

"Director" means the Director of the Department of Nuclear Safety.

"Embedded laser" means an enclosed laser with an assigned class number higher than the inherent capability of the laser system in which it is incorporated, where the system's lower classification (Class 1, 2, 3a or 3b) is appropriate due to the engineering features limiting accessible emission.

"Enclosed laser" means a laser that is contained within a protective housing of itself or of the laser or laser system in which it is incorporated.

"Energy" means the capacity for doing work. Energy content is commonly used to characterize the output from pulsed lasers and is generally expressed in joules (J).

"Facility" means a laser installation.

"FDA" means the Food and Drug Administration of the United States Department of Health and Human Services.

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF ADOPTED RULES

"Fire-resistant material" means a material that is not combustible when used for its intended purpose in conjunction with a laser system.

"Incident" means an event or occurrence that results in a real or suspected intentional or accidental exposure to laser radiation that caused or has the potential to cause biological damage.

"Irradiance" means the radiant power incident on an element of a surface divided by the area of that element, expressed in watts per square centimeter (W cm⁻²).

"Joule" (J) means a unit of energy: 1 joule = 1 watt second.

"Laser" means any device that can produce or amplify electromagnetic radiation at wavelengths greater than 180 nanometers but less than 1 millimeter, primarily by the process of controlled stimulated emission.

"Laser installation" means a location or facility where laser systems are produced, stored, disposed of or used for any purpose [420 ILCS 56/15].

"Laser radiation" means an electromagnetic radiation emitted from a laser system and includes all reflected radiation, any secondary radiation or other forms of energy resulting from the primary laser beam [420 ILCS 56/15].

"Laser safety officer" means any individual, qualified by training and experience in the evaluation and control of laser hazards, who is designated by the registrant to have the authority and responsibility to establish and administer the laser radiation protection program for a particular laser installation.

"Laser system" means a device, machine, equipment or other apparatus that applies a source of energy to a gas, liquid, crystal, or other solid substances or combination thereof in a manner that electromagnetic radiations of a relatively uniform wave length are amplified and emitted in a cohesive beam capable of transmitting the energy developed in a manner that may be harmful to living tissues, including but not limited to electromagnetic waves in the range of visible, infrared or ultraviolet light. Such systems in schools, colleges, occupational schools, and State colleges and other State institutions are also included in the definition of "laser systems". [420 ILCS 56/15]

"Maintenance" means the performance of those adjustments or procedures by the user to keep equipment in its intended operating condition. Maintenance does not include operation or service as defined in this

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF ADOPTED RULES

Section.

"Maximum permissible exposure" (MPE) means that level of laser radiation to which persons may be exposed without adverse biological change in the eye or skin.

"Medical laser" means a laser system that is a medical device, as defined in 21 USC 321(h), and is manufactured, designed or intended for laser irradiation of any part of the human body for the purpose of diagnosis, surgery or therapy (see 21 CFR 1040.10(b)).

"Operation" means the performance of tasks required for the equipment to perform its intended functions. It does not include maintenance or service tasks as defined in this Section.

"Operator" is an individual, group of individuals, partnership, firm, corporation, or association conducting the business or activities carried on within a laser installation [420 ILCS 56/15].

"Optical density" (OD) means a logarithmic expression of the optical attenuation afforded by a material.

$$OD = \log[10] (\text{incident power}) / (\text{transmitted power})$$

"Optical fiber communications system" (OFCs) means a system consisting of one or more laser transmitters, each of which is coupled to an individual optical fiber and is used for the transmission of information, e.g., voice or data.

"Person" means any individual, corporation, limited liability company, partnership, firm, association, trust, estate, public or private institution, group, agency, political subdivision of this State, any other state or political subdivision or agency thereof and any legal successor, representative, agent or agency of the foregoing.

"Protective housing" means those portions of a laser system that are designed to prevent human access to laser radiation above the applicable MPE level.

"Pulse duration" means the time increment measured between the half-peak power points at the leading and trailing edges of a pulse.

"Radiant energy" means energy emitted, transferred or received in the form of laser radiation, expressed in joules (J).

"Radiant exposure" means the radiant energy incident on an element of a surface divided by the area of that element, expressed in joules per square centimeter ($J\text{ cm}^{-2}$).

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF ADOPTED RULES

"Radiant power" means power emitted, transferred or received in the form of laser radiation expressed in watts (W). Radiant power also means output power.

"Registrant" means any person who registers a laser installation with the Department pursuant to this Part.

"Scanning laser" means a laser having a time-varying direction, origin or pattern of propagation with respect to a stationary frame of reference.

"Service" means the performance of adjustments, repairs or procedures required to return equipment to its intended state. These adjustments and procedures usually require specialized training and/or tools. Service does not include operation or maintenance as defined in this Section.

"Watt" (W) means the unit of radiant power, 1 watt = 1 joule per second ($J\text{ sec}^{-1}$).

Section 315.50 Exemptions

The following are exempt from the requirements of this Part:

- a) All certified Class 1, Class 2, Class 3a lasers or laser systems, provided that the laser is maintained as a certified Class 1, Class 2, Class 2a or Class 3a laser system throughout its useful life.
- b) Laser systems containing embedded Class 3b or Class 4 lasers, where the laser system's lower classification is appropriate due to engineering features limiting accessible emission.
- c) A laser system being transported on railroad cars, motor vehicles, aircraft, or vessels in conformity with rules adopted by an agency having jurisdiction over safety during transportation, or laser systems that have been installed on aircraft, munitions, or other equipment that is subject to the regulations of, and approved by an appropriate agency of, the federal government [420 ILCS 56/25(2)].
- d) Laser systems that are inoperable due to the absence or failure of components necessary for operation. Laser systems that are not in operation due to disconnection from an electrical supply shall be considered operable.

Section 315.60 Registration

- a) Installation Registration
 - 1) Any operator of a laser installation shall register the laser installation with the Department. The operator shall register the installation before the installation is placed in operation on a form prescribed by the Department, which shall include, but not be limited to:

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF ADOPTED RULES

- A) The operator's name;
 - B) The location of the laser installation;
 - C) The classification number and room location of laser systems possessed; and
 - D) The name of the individual designated as the laser safety officer.
- AGENCY NOTE:** Prior to designation of the laser safety officer, the registrant should carefully review the requirements of Section 315.90 of this Part.
- 2) Installation registration, as specified in subsection (a) of this Section, shall be required only at the time the laser installation is placed in operation.
 - 3) Laser systems that are located in a single building or in a group of buildings that are contiguous to one another, and used by the same operator, shall be treated as a single laser installation unless requested otherwise in writing by the operator and approved by the Department.
- b) **Laser System Registration**
- 1) Any operator of a laser installation where laser systems are located shall register the systems annually on a form prescribed by the Department.
 - 2) The form shall include, but not be limited to, the manufacturer, model serial number, output power, wavelength and class of each laser system.
 - 3) Any operator of a laser installation that possesses multiple laser systems of the same manufacturer and model may register such laser systems on a single form, provided that the operator includes a listing of serial numbers for each laser system.

Section 315.70 Amendments and Changes in Status

- a) Operators of laser installations that have been registered pursuant to Section 315.60 of this Part shall notify the Department within 30 days after the installation of new, used, relocated or reactivated laser systems.
- b) If any operator discontinues using a laser system, the operator shall notify the Department within 30 days after the discontinuance. The notification shall include the date of discontinuance, including the name, address and telephone number of the person who received the laser and the disposition of the laser system.
- c) Within 30 days after changing the operator of a laser installation, the new operator shall notify the Department in writing or by telephone or other electronic means.

Section 315.80 Registration Requirements for Out-of-State Laser Facilities

- a) Whenever any Class 3b or Class 4 laser system is to be brought into this State, for any temporary use, the person proposing to bring the

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF ADOPTED RULES

- laser system into this State shall:
- 1) Register the installation and laser systems in accordance with Section 315.60 of this Part.
 - 2) Give written notice to the Department at least 10 working days before the laser system is to be used in this State. The notice shall:
 - A) Include the nature, duration and scope of use;
 - B) Include the exact locations where the laser system is to be used; and
 - C) Comply with all applicable requirements of this Part.
 - b) A pre-operational inspection by the Department of the out-of-state laser system may be required within 24 hours prior to the laser system being used in this State.

Section 315.90	Laser Safety Officer Qualifications, Duties and Responsibilities	Section 315.90	Laser Safety Officer Qualifications, Duties and Responsibilities
a)	Every operator of a laser installation shall ensure that the designated laser safety officer has qualifications that include training, experience and familiarity in the following areas: <ol style="list-style-type: none"> 1) Fundamentals of laser operation; 2) Familiarity with the type of laser equipment utilized at the facility; 3) Biological effects of laser radiation on the eye and skin; 4) Laser and laser system classification; 5) Control measures; 6) Nonradiation hazards of lasers; 7) Medical surveillance practices (if applicable); 8) Laser terminology; and 9) Maximum Permissible Exposure (MPE) levels for eye and skin for all lasers and for all conditions of use of laser systems at the facility. 	b)	Every operator of a laser installation shall ensure that the following specific duties are carried out by the laser safety officer: <ol style="list-style-type: none"> 1) Establish and implement a program of laser radiation safety for effective compliance with the requirements of this Part. 2) Ensure that instructions concerning hazards and safety practices are provided to individuals who may be exposed to laser radiation and to individuals who operate lasers. 3) Permit, on behalf of the registrant, operation of lasers only by individuals who have: <ul style="list-style-type: none"> A) Been trained in the safe use of the laser in accordance with Section 315.100 of this Part; and B) Received copies of and instruction in the registrant's operating and emergency procedures.
			AGENCY NOTE: In facilities where more than one practitioner or operator may use lasers, a laser safety committee should be formed to oversee laser activity, establish use criteria and
			a)

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF ADOPTED RULES

- approve operating policies and procedures.
- 4) Ensure that all laser systems in operation meet the requirements of this Part, and that prescribed control measures are in effect. The laser safety officer may recommend and approve substitute or alternative control measures when the primary control measures are not feasible or practical. Accordingly, if alternative control measures are instituted, those personnel directly affected shall be provided appropriate training.
 - 5) Periodically audit the functionality of control measures in use.

Section 315.100 General Operator Requirements

- a) Administrative and Procedural Controls
 - 1) The registrant shall provide personnel operating lasers written operating and safety procedures. These procedures shall include restrictions required for the safe operation of each laser and shall include the topics listed in the laser safety program of subsection (a)(2) of this Section.
AGENCY NOTE: Sample standard operating procedures for the use of laser systems are contained in Appendix A of this Part. The Department recommends these procedures be modified and adopted for each registrant's specific use of lasers.
 - 2) The registrant shall provide for initial and annual in-service training in laser safety for individuals using laser systems to ensure their awareness of the registrant's laser safety practices and policies. The in-service training shall include the following topics:
 - A) Operating and emergency procedures for the lasers;
 - B) Use of laser protective devices, including selection and use of protective eyewear;
 - C) Clear warnings and precautions to avoid possible exposure to laser radiation in excess of the MPE; and
 - D) Requirements for safe operation of lasers as described in this Part.
 - 3) Personnel operating lasers shall be instructed in and able to demonstrate competence with the registrant's operating and safety procedures.
 - 4) Alignment of laser optical systems (e.g., mirrors, lenses and beam deflectors) shall be performed in a manner that assures that no one is exposed to laser radiation above the MPE.
 - 5) A controlled area shall be established when exposure to laser radiation in excess of the MPE limit is possible. The controlled area shall meet the following requirements:
 - A) Be posted as required by Section 315.150 of this Part.
 - B) Access shall be only by permission of the laser safety officer or a trained designated representative.
 - 6) Unenclosed Beam Paths
 - A) An evaluation of the expected beam path and the potential

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF ADOPTED RULES

- hazards from reflective surfaces that may be encountered shall be conducted before operating the laser. All reflective surfaces shall be excluded from the beam path at all points where the laser radiation exceeds the MPE.
- B) If applicable, the stability of the laser platform shall be evaluated to determine the constraints that shall be placed upon the beam traverse and the extent of the range of control.
- C) No laser shall be operated or made ready for operation until the area along all points of the beam path where the laser radiation will exceed the MPE is clear of individuals, unless the individuals are wearing appropriate protective devices.

- b) Requirements for Safe Operation
 - 1) Operator Supervision
 - A) The laser system shall be operated at all times under the direct supervision or control of an experienced, trained operator who shall maintain visual surveillance of conditions for safe use and terminate laser emission in the event of malfunction or any other condition of unsafe use.
 - B) Unattended use of the laser system shall be permitted only when the laser safety officer has implemented appropriate control measures that provide adequate protection and laser safety training to those who may enter the laser controlled area during times of unattended use.
 - 2) Maximum Permissible Exposure (MPE)
 - A) No individual shall be exposed to levels of laser radiation higher than the MPE, as described in Tables A and B of this Part.
 - B) In those cases where no MPE is known for particular wavelengths and pulse durations, exposure to laser radiation shall be prohibited.
 - C) Measurements and calculations performed to determine MPE limits shall be made in a manner consistent with the criteria contained in ANSI Z136.1-2000.
 - D) The minimum laser radiant energy or laser power level required for the application shall be used.
- c) Service Procedures
 - 1) All service procedures shall be performed by qualified personnel who are trained in laser radiation protection.
 - 2) Protective eyewear, when specified by the laser safety officer, when engineering or other procedural and administrative controls are inadequate to eliminate potential exposure in excess of the applicable MPE, shall be worn by all individuals with access to Class 3b and Class 4 levels of laser radiation.
 - 3) Eyewear devices shall meet the following requirements:
 - A) Provide a comfortable and appropriate fit all around the area of the eyes sufficient to protect the eyes from laser radiation.

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF ADOPTED RULES

- B) Be in proper condition to ensure the optical filters and holder provide the required optical density or greater at the desired wavelengths, and retain all protective properties during use of the device.
- C) Be suitable for the specific wavelength of the laser and be of optical density adequate for the energy of the laser.
- D) Have the optical density or densities and associated wavelengths permanently labeled on the filters or otherwise permanently identified.
- E) Be examined by the registrant's laser safety officer, or designee, at intervals not to exceed 6 months, to ensure the reliability of the protective filters and integrity of the protective filter frames.
- F) Eyewear not meeting the requirements of this subsection (b)(5) shall not be utilized as protective eyewear.
- 6) When there is a possibility of exposure to laser radiation that exceeds the MPE limits for skin as specified in Table B of this Part, the registrant shall require the appropriate use of protective gloves, clothing and shields.
- 7) Laser products certified by a manufacturer to be compliant with the requirements of 21 CFR 1040 applicable at the date of manufacture shall be maintained in compliance with the requirements. Certified laser products that have been modified shall comply with this Part.
- c) Engineering Controls
- 1) Each laser product shall have a protective housing that prevents, during operation, human access to laser radiation that exceeds the limits of a Class 1 laser (see 21 CFR 1040.10, Table I), wherever and whenever human access is not necessary in order for the laser system to perform its intended function.
 - 2) Safety Interlocks
 - A) A safety interlock, which ensures that laser radiation is not accessible above MPE limits, shall be provided for any portion of the protective housing that, by design, can be removed or displaced without the use of tools during normal operation or maintenance.
 - B) Adjustment during operation, service, testing or maintenance of a laser containing interlocks shall not cause the interlocks to become inoperative or the laser radiation to exceed MPE limits outside the protective housing except where a controlled area, as specified in subsection (a)(5) of this Section, is established.
 - C) For pulsed lasers, interlocks shall prevent firing of the laser.
 - D) For continuous wave lasers, the interlocks shall turn off the power supply or interrupt the beam.
 - E) An interlock shall not allow access to laser radiation in excess of MPE limits when the interlock is closed.

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF ADOPTED RULES

- F) Multiple safety interlocks, or a means to preclude removal or displacement of the interlocked portion of the protective housing upon failure, shall be provided if failure of a single interlock would allow human access to levels of Class 3b or Class 4 laser radiation.
- 3) Viewing Optics and Windows
- A) All viewing ports, viewing optics or display screens included as an integral part of an enclosed laser or laser system shall incorporate suitable means to attenuate the laser radiation transmitted through the port to less than the MPE during maintenance or operation of the laser.
 - B) When optical systems such as lenses, telescopes and microscopes are used that were not supplied as part of a certified laser product, the laser safety officer shall determine the potential hazard and specify administrative procedures and the use of controls such as interlocks or filters.
 - 4) Warning Systems
 - A) Each laser system shall provide visual or aural indication during the emission of accessible laser radiation.
 - B) Any visual indicator shall be clearly visible through protective eyewear designed specifically for the wavelengths of the emitted laser radiation.
 - C) Visual indicators shall be positioned so that viewing does not result in exposure to laser radiation in excess of the MPE.
 - D) An indication shall be provided prior to emission of the radiation to allow appropriate action to avoid exposure.
 - 5) Additional Requirements for Indoor Class 4 Laser Controlled Areas
 - A) Latches, interlocks or other appropriate means shall be used to restrict access to controlled areas.
 - B) Measures shall be designed to allow both rapid exit by the laser personnel at all times and entrance to the controlled area in an emergency condition.
 - C) For emergency conditions, a control-disconnect switch or equivalent device (panic button) shall be available for deactivating the laser or closing the shutter.
 - D) During tests requiring continuous operation, the laser safety officer or a trained designated representative shall be permitted to momentarily override the safety interlocks to allow access to other authorized personnel if it is clearly evident that:
 - i) There is no optical radiation hazard at the point of entry; and
 - ii) The necessary protective devices are being worn by the entering personnel.
 - E) Optical paths (e.g., windows) from an indoor facility shall be controlled in such a manner as to reduce the transmitted

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF ADOPTED RULES

values of the laser radiation to levels at or below the MPE. When the laser beam must exit the indoor controlled area (as in the case of exterior atmospheric beam paths), the operator shall be responsible for ensuring that the beam path is limited to controlled air space or controlled ground space when the beam irradiance or radiant exposure is above the appropriate MPE.

Section 315.110 Additional Requirements for Infrared Laser Systems

- a) The beam from an infrared laser (wavelength greater than 710 nanometers) shall be terminated in fire-resistant material where necessary.
- b) Periodic inspection of fire-resistant material shall be made to assure that the material has not degraded with use. Degraded material that could create a fire or reflection hazard shall be replaced prior to further operation of the laser.

Section 315.120 Additional Requirements for Optical Fiber Communications Systems

- a) Laser communication systems that employ optical cables shall be considered enclosed systems with the optical cable forming part of the protective housing.
- b) Disconnection of a connector resulting in access to radiation in excess of the applicable MPE shall take place only in a controlled area.
 - 1) The use of a tool shall be required for the disconnection of a connector for service and maintenance purposes when the connector is not within a protective housing.
 - 2) All connectors shall bear the appropriate label specified in Section 315.150 of this Part.

Section 315.130 Additional Requirements for Medical Laser Applications

- a) Medical lasers used for human irradiation shall be calibrated in accordance with the manufacturer's specified calibration procedure at intervals not to exceed those specified by the manufacturer. Calibration records shall be maintained at the facility for inspection by the Department.
 - b) Each medical laser shall incorporate a means for measurement of the level of laser radiation intended for human irradiation, with an error in measurement of no greater than plus or minus 20 percent, when calibrated in accordance with the laser manufacturer's calibration procedure.
 - c) Any footswitch that is used to control patient exposure to laser radiation shall have a guard mechanism to prevent inadvertent exposure.

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF ADOPTED RULES

The operator shall ensure that medical lasers shall not be used for human irradiation unless all applicable requirements of this Part are met.

Section 315.140 Additional Requirements for Entertainment Laser Light Show

- d) The operator shall notify the Department in writing or facsimile, at least 10 working days in advance of the proposed laser light show, and shall include the following information:
 - 1) Name, address and telephone number of:
 - A) Laser registrant;
 - B) Laser safety officer;
 - C) Individual in charge of the laser light show;
 - 2) The location, time and date of the show;
 - 3) Documentation that a variance has been obtained in accordance with 21 CFR 1040.11;
 - 4) For outdoor performances, a copy of the notification to the Federal Aviation Administration;
 - 5) Manufacturer, class, wavelength and output power of the laser systems to be used; and
 - 6) Sketches showing the location of the laser systems, operators, performers, laser beam paths, viewing screens, walls, mirror balls and other reflective or diffusive surfaces that may be struck by the laser beam.
- a) The operator shall also supply additional information as may be required by the Department for the evaluation of the safety of the proposed laser light show.
- c) Requirements for Safe Operations
 - 1) Laser radiation emissions outside the spectral range of 400 to 700 nanometers shall not exceed the limits of a Class 1 laser.
 - 2) Levels of laser radiation where the audience is located, and where operators, performers and employees are located if the laser radiation is intended to be viewed by them, shall not exceed the limits of a Class 1 laser.
- 3) Operators, performers and employees shall be able to perform their functions without being exposed to laser radiation exceeding the limits of a Class 2 laser when the laser radiation is not intended to be viewed by them.
- 4) Areas where levels of laser radiation exceed the limits of a Class 2 laser shall be identified by posting of warning signs and through use of barriers or guards to prevent individuals from entering these areas.
- 5) Scanning lasers shall not, as a result of scan failure or any other failure causing a change in either angular velocity or amplitude, permit audience exposure to laser radiation in excess of the limits of a Class 1 laser.
- 6) Where a mirror ball is used with a scanning laser, the conditions of subsections (c)(1) and (c)(2) of this Section shall be met

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF ADOPTED RULES

- with the mirror ball stationary or during any failure mode resulting in a change in rotational speed of the mirror ball.
- 7) Laser light shows shall be, at all times, under the direct and personal supervision of the laser operator, except:
- In cases where the maximum laser output power level is less than 5 milliwatts (all spectral lines);
 - When the laser beam path is located at least 6 meters above any surface upon which an individual in the audience is permitted to stand; or
 - When the laser beam path is located at least 2.5 meters in lateral separation from any position where an individual in the audience is permitted during the performance.
- 8) Laser radiation levels shall not exceed the limits of a Class 2 laser at any point less than 3 meters above any surface upon which any individual in the audience is permitted to stand, and 2.5 meters in lateral separation from any position where an individual in the audience is permitted, unless physical barriers are present that prevent human access to these levels.
- 9) All safety devices and procedures necessary to comply with this Part shall be functionally tested and evaluated after setup and prior to the laser light show to ensure compliance.
- 10) The laser system, when not in use, shall be secured against unauthorized operation or tampering.
- 11) Laser alignment procedures shall be performed with the laser output power reduced to the lowest practicable level, and protective eyewear shall be worn where necessary to prevent exposure to laser radiation levels exceeding the MPE. Unless specifically authorized by the laser safety officer, only individuals required to perform the alignment shall be present during these procedures.
- 12) The operator shall ensure that no laser light show is conducted except as specifically authorized in a variance issued in accordance with 21 CFR 1040.11 and applicable requirements of this Part.

Section 315.150 Caution Signs, Labels and Postings

- a) Except as otherwise authorized by the Department, signs and labels prescribed by this Section shall use the design and colors specified in Illustration A or B of this Part.
- b) Controlled areas shall be conspicuously posted with appropriate sign or signs as specified in subsection (c) of this Section.
- c) Labeling and Posting Laser Systems and Laser Facilities
 - 1) Class 3b lasers shall have a label and facilities shall be posted with signs with the warning specified in Illustration A of this Part and including the following wording:
 - (Position 1 on the logotype)

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF ADOPTED RULES

- "LASER RADIATION – AVOID DIRECT EXPOSURE TO BEAM"
- (Position 3 on the logotype)
- "CLASS 3b LASER"
- 2) Class 4 lasers shall have a label and facilities shall be posted with signs with the warning specified in Illustration B of this Part and including the following wording:
- (Position 1 on the logotype)
- "LASER RADIATION – AVOID EYE OR SKIN EXPOSURE TO DIRECT OR SCATTERED RADIATION"
- (Position 3 on the logotype)
- "CLASS 4 LASER"
- 3) Each laser, except lasers used in the practice of medicine, shall have labels in close proximity to each aperture through which is emitted accessible laser radiation in excess of the MPE with the following wording as applicable:
- "AVOID EXPOSURE – Laser radiation is emitted from this aperture", if the radiation emitted through such aperture is laser radiation.
 - "AVOID EXPOSURE – Hazardous electromagnetic radiation is emitted from this aperture", if the radiation emitted through such aperture is electromagnetic radiation.
 - "AVOID EXPOSURE – Hazardous x-rays are emitted from this aperture", if the radiation emitted through such aperture is x-ray radiation.
- 4) Each label specified in this subsection (c) shall state, at position 2 on the required warning logotype, the maximum output of laser radiation, the pulse duration when appropriate, and the laser medium or emitted wavelengths.
- 5) Each noninterlocked or defeatable interlocked portion of the protective housing or enclosure that is designed to be displaced or removed during normal operation, maintenance or servicing and that would permit human access to laser radiation shall have labels as follows:
- For Class 3b laser radiation, the wording: "DANGER – Laser radiation when open, AVOID DIRECT EXPOSURE TO BEAM".
 - For Class 4 laser radiation, the wording: "DANGER – Laser radiation when open, AVOID EYE OR SKIN EXPOSURE TO DIRECT OR SCATTERED RADIATION".
 - For protective housings or enclosures that provide a defeatable interlock, the phrase "and interlock defeated"
- (Position 1 on the logotype)

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF ADOPTED RULES

shall be inserted after the word "open" on the labels specified in subsections (c)(5)(A) and (B) of this Section.

6) The word "invisible" shall precede the word "laser" on labels and signs required by this Part for wavelengths of laser radiation that are outside of the range of 400 to 710 nanometers.

7) The words "visible and invisible" shall precede the word "laser" on labels and signs required by this Part for wavelengths of laser radiation that are both within and outside the range of 400 to 710 nanometers. For laser products emitting only visible wavelengths, the phrase "laser light" may be used in lieu of "laser radiation".

8) All labels placed on lasers or signs posted in laser facilities shall be positioned so as to make unnecessary, during reading, human exposure to laser radiation in excess of the MPE.

9) Labels and signs required by this Part shall be clearly visible, legible and permanently attached to the laser or facility.

AGENCY NOTE: With respect to laser systems only, the labeling requirements found in 21 CFR 1040, and labels otherwise approved by the FDA, may be used in lieu of subsection (c) of this Section.

Section 315.160 Notifications and Reports

- a) Each registrant shall notify the Department immediately of any incident involving exposure to laser radiation that has or may have caused accidental injury to an individual in the course of use, handling, operation, manufacture or discharge of a laser system [420 ILCS 56/40], including:
- 1) An exposure to an individual of greater than 100 times the MPE;
- 2) An exposure to an individual that involves the partial or total loss of sight in either eye; or
- 3) An exposure to an individual that involves perforation of the skin or other serious injury exclusive of eye injury.
- b) Each registrant shall notify the Department within 24 hours of any incident involving exposure to laser radiation that has or may have caused:
- 1) An exposure to an individual of greater than 5 times the MPE; or
- 2) An exposure to an individual that involves second or third degree burns to the skin.

- c) Each registrant shall make a report in writing within 30 days to the Department of any incident for which notification is required by subsection (a) or (b) of this Section.
- d) Each report filed with the Department pursuant to this Section shall include the full name of each individual exposed to laser radiation, including estimates of each individual's exposure, levels of laser radiation involved, the cause of the exposure, a description of any injuries, and corrective steps taken or planned to be taken to assure against a recurrence.
- e) When a registrant is required pursuant to this Section to report to

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF ADOPTED RULES

the Department any exposure of an individual to laser radiation, the registrant shall also provide to the individual a report on that exposure data. The report to the individual shall be transmitted at a time not later than the date of transmittal to the Department.

Section 315.170 Records/Information

- a) Each registrant shall maintain, for a period of 5 years, records that shall be kept current and available for inspection by the Department, showing:
- 1) A listing of all individuals who have been authorized by the registrant to operate lasers.
- 2) The results of all inspections of protective eyewear required by Section 315.100 of this Part.
- 3) The results of all instrument calibrations required by Section 315.130 of this Part.
- 4) The reports of incidents as described under Section 315.160 of this Part.
- b) Each operator shall make records maintained pursuant to this Part available to the Department for review and copying.

Section 315.180 Inspections and Investigations

- a) The Department is authorized to enter upon, inspect, and investigate the premises and operations of all laser systems of this State, whether or not the systems are required to be registered by the Act [420 ILCS 56/35].
- b) Each operator of a laser installation shall afford the Department the opportunity to enter upon, inspect and investigate the laser installation at all reasonable times.

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF ADOPTED RULES

Section 315. APPENDIX A Sample Standard Operating Procedures

Standard Operating Procedures (SOPs) are governed by institutional policy and are developed, modified and maintained in accordance with the needs of individual facilities. Information relative to safety incorporated into these SOPs is gathered from a wide range of resources, including, but not limited to, the laser system manufacturer or distributor. This Appendix A contains examples of SOPs for issues associated with the use of laser systems. It is recognized that the safety needs of installations with multiple laser systems may be different from those facilities with a single laser system. The samples that follow cannot cover all situations or procedures; they are only intended as models that should be used to accommodate specific requirements. Typically, the Laser Safety Officer shall have the responsibility to see that SOPs are followed.

It is reasonable to expect that the manufacturer of the laser system shall supply safety information that can serve as the cornerstone for the generation of the SOPs. It is incumbent upon the operator to demand the information from the manufacturer. The availability of safety related information is facilitated by the FDA requirement that the manufacturer of laser products provide the user with adequate instructions for the safe operation and maintenance of all laser products.

SAMPLE 1: Controlled Access to the Laser Room

Purpose: To define the area in which control measures shall be applied and to describe the control measures necessary in order to maintain a safe environment for use of the laser system.

Policy: Class 3b and Class 4 lasers shall be operated in areas where traffic flow, and compliance with all safety procedures can be monitored.

Procedure:

- 1) Appropriate warning signs shall be posted at eye level on all doors that access a room where a laser is to be operated. These signs shall state all required information and shall be removed when the laser is not in use.
- 2) Safety goggles labeled with the appropriate wavelength and optical density shall be available at the entry where each door sign is posted.
- 3) Glass windows shall be covered with shades or filters of appropriate optical density whenever a fiberoptic laser system is operational.
- 4) All safety procedures shall be followed during service, maintenance and demonstrations.

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF ADOPTED RULES

5) No one shall be allowed into a laser room unless properly authorized and protected.

6) The laser shall not be activated when it is necessary to open the door, if the controlled area extends to the doorway.

7) Laser keys shall be kept in a secured area and signed out only by those authorized to do so.

SAMPLE 2: Ocular Safety

Purpose: To prevent ocular injuries to personnel working with Class 3b and Class 4 lasers.

Policy: Within the controlled area, all personnel shall adhere to appropriate eye protection procedures during all laser applications.

NOTE: Under some conditions, the controlled area may include the entire room in which the laser procedure is performed. Under those conditions, the ocular safety procedures listed in this Sample 2 apply to the entire room. In health care facilities, ocular safety procedures shall also apply to the patient receiving laser treatment.

All personnel involved in maintenance and demonstrations of laser systems shall follow all ocular safety procedures whenever a laser is in operation in the facility.

Procedure:

- 1) Appropriate eyewear shall be worn by everyone in the controlled area while the laser is in operation. Appropriate eyewear consists of glasses or goggles of sufficient optical density to prevent ocular damage at the laser wavelength in use. Exception to this is the operator looking through an attached microscope with a lens that has the appropriate optical density for the laser in use.
- 2) Prior to use, the operator and ancillary personnel shall be responsible for selecting and examining eyewear for comfort, proper fit, and presence of labels describing both wavelength and proper optical density.
- 3) If eyewear is damaged, it shall not be worn and a report shall be made to the laser safety officer.
- 4) Contact lenses are not acceptable as protective eyewear. Prescription lens wearers shall use appropriate laser safety eyewear.
- 5) All goggles shall have side shields to protect from peripheral injury

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF ADOPTED RULES

and impact.

- 6) Any articulated arm that is not shuttered shall be capped when not connected to the hand piece or the operating microscope.
- 7) The laser system shall be placed in standby mode when delivery optics are moved away from the target.
- 8) In health care facilities, patients shall be fitted with appropriately labeled eyewear, or have their eyes covered with wet cloth pads or towels. Metal or dry materials shall be placed on the patient's face or eyes only when indicated.

SAMPLE 3: Handling of Laser Fiber Delivery Systems in Health Care Facilities

Purpose: To promote safe and proper handling of laser fiber delivery systems and to limit the potential for fiber breakage, damage and reduced efficiency during clinical laser procedures.

Policy: Personnel handling laser fibers shall assure compliance with all safety procedures and shall consider the fiber an extension of the laser system, governed by applicable standards and regulations.

Procedure:

- 1) Appropriate eye safety filters shall be used with endo/microscopes.
- 2) Laser room windows shall be covered completely with appropriate filters, if necessary.
- 3) Fibers and associated equipment shall be positioned to allow for safe traffic patterns in the room.
- 4) The fiber shall be examined for breaks or damage of the distal tip, the proximal connector and the catheter sheath. Fiber shall be calibrated in accordance with manufacturer's directions. If deficiencies or damage are noted, another fiber shall be obtained.
- 5) Do not use clamps or other instruments to secure fiber in the operative site.
- 6) Always use coaxial cooling that is appropriate to the procedure. Never use gas to purge a fiber in the intrauterine cavity.
- 7) Never operate the laser unless the aiming beam (if used) and the tip of the fiber beyond the end of the endoscope are both visible.
- 8) Monitor the fiber for distortion of the beam, decreased power

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF ADOPTED RULES

transmission and accumulation of debris on the tip.

- 9) Never reuse a disposable fiber without manufacturer's directions.
- 10) Always put the laser in standby when not aimed at a target.

SAMPLE 4: Non-Beam Hazards in Health Care Facilities

Purpose: To recognize and effectively deal with a variety of potential non-beam hazards that may be present during laser procedures.

Policy: Non-beam hazards are the purview of safety and industrial hygiene personnel, who will effect the appropriate hazard evaluation and control.

Procedure:

- I. Fire
 - 1) Never use alcohol in the operative field. Fibers may be rinsed in hydrogen peroxide or saline intraoperatively.
 - 2) Never place a hot fiber directly on paper drapes. Wait until tip is cool before contact is made with flammable material.
 - 3) Use fire-retardant drapes, damp packs or pads. Fill pelvic cavity with Ringer's, saline or other appropriate solution during surgery.
 - 4) Put laser system in standby mode when procedure is interrupted or terminated.
 - 5) Avoid high levels of oxygen in the operative field.
- II. Plume Management
 - 6) Avoid laser beam exposure of the sheaths of flexible fiber endoscopes, since many of the sheaths are flammable.
 - 1) Remove laser generated airborne contaminants from the laser target area to reduce the transmission of potentially hazardous particles.
 - 2) Position smoke evacuator in the operating room whenever a plume is anticipated.
 - 3) Check operation of the plume management system prior to the beginning of a procedure.

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF ADOPTED RULES

- 4) Check the plume filter monitor and, if needed, install a clean filter.
- 5) In-line filters with minimum 0.3 μm (micrometers) filtration shall be placed between wall suction and the fluid cannister for:
 - a) Suction line not connected to evacuator
 - b) Procedures producing minimal plume
 - c) Failure of evacuator before or during operation
- 6) Distal collection port shall be no more than 2 cm from impact site when practical.
- 7) All tubing, connectors, adaptors and wands will be changed between patients and disposed of according to biohazard procedures.

III. Electrical Shock

- 1) During service or maintenance, precautions shall be taken against electrical shock that may be fatal.
- 2) Medical lasers shall be installed and operated in conformity with the National Electrical Code.

SAMPLE 5: Work Practices for Optical Fiber Communications Systems (OFCS)

Purpose: To recognize and effectively deal with a variety of potential hazards that may be present when working on an OFCS.

Policy: Engineering controls shall not take the place of good work practices. Good work practices are essential to operating, servicing and maintaining OFCS, especially with higher power systems that utilize Class 3b and Class 4 lasers.

Procedure: The following presents some basic guidelines when working on any OFCS.

- 1) Trained Personnel. Only authorized, trained personnel shall be permitted to install or perform service on OFCS containing Class 3b or Class 4 lasers.
- 2) Unterminated Fibers

- a) Do not view the end of a fiber with unprotected eye. Fiber should only be viewed with an indirect image converter or with a

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF ADOPTED RULES

- filtered optical instrument or optical density (OD) sufficient to reduce the exposure to levels below the appropriate MPE.
- b) Always cover the ends of unterminated fibers with a splice protector, tape or end caps.
- 3) Splicing. Splicing on ribbon cables, fixed array cables or OFCS containing Class 3b or Class 4 lasers shall be de-energized or viewing systems incorporating personal protection shall be employed.
- 4) Installation and Testing. The laser source shall be first to be disconnected and last to be connected when installing and/or testing an OFCS.
- 5) Modifications. No modifications shall be made to the OFCS or associated equipment without management or supervision authorizations. Such modifications may alter the service group classification of the OFCS.
- 6) Labels. Any damaged or missing optical safety labels shall be reported immediately to the supervisor.

7) Other Hazards

- a) Use of protective guards or shields shall be used during splicing and cleaving operation to prevent direct injury from small lengths or particles of fiber. Proper disposal of fiber pieces avoids subsequent embedding in clothing or skin.
- b) Optical photocuring may present a UV or light source hazard. Protective filter lenses of the appropriate optical density shall be worn if viewing of the light source is probable.

AGENCY NOTE: Reproduced with permission from the American National Standard Z136.1-2000 (or American National Standards Z136.2-1997 or Z136.3-1996, as applicable). Copyright Laser Institute of America, Orlando, Florida. The complete standard may be obtained by contacting the Laser Institute of America, P.O. Box 781029, Orlando FL 32878-1029, telephone: 407-380-1553, fax: 407-380-5588, e-mail: lia@laserinstitute.org.

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF ADOPTED RULES

Section 315.TABLE A MPE for Ocular Exposure (Intrabeam Viewing)

Ultraviolet

Wavelength (μm)	Exposure Duration, $t(\text{s})$	MPE ($\text{J cm}(-2)$)	MPE ($\text{W cm}(-2)$)
0.180 to 0.302	$10(-9)$ to $3 \times 10(4)$	$3 \times 10(-3)$	$10(-9)$ to $18 \times 10(-6)$
0.303	$10(-9)$ to $3 \times 10(4)$	$4 \times 10(-3)$	$18 \times 10(-6)$ to $10(-3)$
0.304	$10(-9)$ to $3 \times 10(4)$	$6 \times 10(-3)$	$10 \times 10(4)$
0.305	$10(-9)$ to $3 \times 10(4)$	$10 \times 10(-3)$	$10 \times T[1]$
0.306	$10(-9)$ to $3 \times 10(4)$	$16 \times 10(-3)$	$T[1] \text{ to } 10(4)$
0.307	$10(-9)$ to $3 \times 10(4)$	$25 \times 10(-3)$	$10(4) \text{ to } 3 \times 10(4)$
0.308	$10(-9)$ to $3 \times 10(4)$	$40 \times 10(-3)$	$10(-9)$ to $18 \times 10(-6)$
0.309	$10(-9)$ to $3 \times 10(4)$	$63 \times 10(-3)$	$18 \times 10(-6)$ to $10(3)$
0.310	$10(-9)$ to $3 \times 10(4)$	0.1	$0.5 \times 10(-6)$
0.311	$10(-9)$ to $3 \times 10(4)$	0.16	$1.8 \times 10(3/4) \times 10(-3)$
0.312	$10(-9)$ to $3 \times 10(4)$	0.25	$10 \times 10(-3)$
0.313	$10(-9)$ to $3 \times 10(4)$	0.40	$1.8 \times 10(3/4) \times 10(-3)$
0.314	$10(-9)$ to $3 \times 10(4)$	0.63	$10(-9)$ to $50 \times 10(-6)$
0.315 to 0.400	$10(-9)$ to 10	0.56 $t(1/4)$	$5C[c] \times 10(-6)$
0.315 to 0.400	$10 \times 3 \times 10(4)$	1.0	$9.0C[c] t(3/4) \times 10(-3)$

NOTE: To calculate MPE, use the $\text{J cm}(-2)$ value shown or $0.56 t(1/4)$, whichever is lower.

NOTES: 1. See Section 315.Tables D & E for limiting apertures (see ANSI Z136.1 pg. 44).

2. For multiple pulses, apply correction factor $C[p]$ given in Section 315.Table C.

3. For information on correction factors $T[1]$, $C[B]$, $C[A]$, $C[p]$ and $C[c]$, see Section 315.Table C.

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF ADOPTED RULES

Far Infrared

Wavelength μm	Exposure $\text{J cm}(-2)$	MPE $(\text{W cm}(-2))$
1.400 to 1.500	$10(-9)$ to $10(-3)$	0.1
1.400 to 1.500	$10(-3)$ to 10	$0.56 t(1/4)$
1.400 to 1.500	10 to 3 $\times 10(4)$	0.1
1.400 to 1.800	$10(-9)$ to 10	1.0
1.500 to 1.800	10 to 3 $\times 10(4)$	0.1
1.800 to 2.600	$10(-9)$ to $10(-3)$	0.1
1.800 to 2.600	$10(-3)$ to 10	$0.56 t(1/4)$
1.800 to 2.600	10 to 3 $\times 10(4)$	0.1
2.600 to 10(3)	$10(-9)$ to $10(-7)$	$10 \times 10(-3)$
2.600 to 10(3)	$10(-7)$ to 10	$0.56 t(1/4)$
2.600 to 10(3)	10 to 3 $\times 10(4)$	0.1

NOTES: 1. See Section 315.Tables D & E for limiting apertures (see ANSI Z136.1 pg. 44).

2. For multiple pulses, apply correction factor C[p] given in Section 315.Table C.

1 $\times 10(-3)$

NOTES: 1. To calculate MPE, use the $J \text{ cm}(-2)$ value shown or $0.56 t(1/4)$, whichever is lower.

2. 3.5 mm limiting aperture (see Section 315.Table D).

GENERAL NOTES:	1. The MPE for diffuse reflections at wavelengths between 0.400 and 1.400 μm is obtained by multiplying the corresponding MPEs above by C[E] (see Section 315.Table C for correction factors and T[1]).
	2. For repeated (pulsed) exposures, see ANSI Z136.1.
	3. For purposes of this Section 315.Table A, the following abbreviations or symbols are used:

μm	= micrometers
$t(s)$	= time in seconds
J	= joules
W	= watts
cm	= centimeters

Ultraviolet

Wavelength μm	Exposure $\text{J cm}(-2)$	MPE $(\text{W cm}(-2))$	Wavelength (μm)	Exposure Duration, $t(s)$	MPE ($\text{W cm}(-2)$)
0.180 to 0.302		$10(-9)$ to 3 $\times 10(4)$	0.180 to 0.302		$3 \times 10(-3)$
0.303		$10(-9)$ to 3 $\times 10(4)$	0.303		$4 \times 10(-3)$
0.304		$10(-9)$ to 3 $\times 10(4)$	0.304		$6 \times 10(-3)$
0.305		$10(-9)$ to 3 $\times 10(4)$	0.305		$1.0 \times 10(-2)$
0.306		$10(-9)$ to 3 $\times 10(4)$	0.306		$1.6 \times 10(-2)$
0.307		$10(-9)$ to 3 $\times 10(4)$	0.307		$2.5 \times 10(-2)$
0.308		$10(-9)$ to 3 $\times 10(4)$	0.308		$4.0 \times 10(-2)$
0.309		$10(-9)$ to 3 $\times 10(4)$	0.309		$6.3 \times 10(-2)$
0.310		$10(-9)$ to 3 $\times 10(4)$	0.310		$1.0 \times 10(-1)$
0.311		$10(-9)$ to 3 $\times 10(4)$	0.311		$1.6 \times 10(-1)$
0.312		$10(-9)$ to 3 $\times 10(4)$	0.312		$2.5 \times 10(-1)$
0.313		$10(-9)$ to 3 $\times 10(4)$	0.313		$4.0 \times 10(-1)$
0.314		$10(-9)$ to 3 $\times 10(4)$	0.314		$6.3 \times 10(-1)$
0.315 to 0.400		$10(-9)$ to 10	0.315 to 0.400		$0.56 t(1/4)$
0.315 to 0.400		$10(-9)$ to 3 $\times 10(3)$	0.315 to 0.400		$1 \times 10(-3)$

ILLINOIS REGISTER

6951

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF ADOPTED RULES

Visible and Near Infrared

wavelength (μ m)	Exposure Duration, $t(s)$	MPE ($J \text{ cm}(-2)$)
0.400 to 1.400	$10(-9)$ to $10(-7)$ $10(-7)$ to $10(-4)$ 10 to $3 \times 10(4)$	$2C[A] \times 10(-2)$ $1.1C[A] t(1/4)$ $0.2C[A]$

NOTE: 3.5 mm limiting aperture (see Section 315.Table D).

NOTE: See Section 315.Table D for limiting apertures.

ILLINOIS REGISTER

6952

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF ADOPTED RULES

Far Infrared

wavelength (μ m)	Exposure Duration, $t(s)$	MPE ($J \text{ cm}(-2)$)
1.400 to $10(3)$ $10(-7)$ to $10(-4)$ >10	$10(-9)$ to $10(-7)$ $10(-7)$ to 10	$10(-2)$ $0.56 t(1/4)$

GENERAL NOTE: 1. For purposes of this Table, the following abbreviations are used:

μm	= micrometers
$t(s)$	= time in seconds
J	= joules
W	= watts
cm	= centimeters
mm	= millimeter

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF ADOPTED RULES

Section 315. TABLE C Parameters and Correction Factors

Correction Factor	Wavelength (μ m)
$T[1] = 10 \times 10(20)(\Lambda - 0.550)$	0.550 to 0.700
$C[B] = 1.0$	0.400 to 0.500
$C[B] = 10(1.5)(\Lambda - 0.550)$	0.550 to 0.700
$C[A] = 1.0$	0.400 to 0.700
$C[A] = 10(2)(\Lambda - 0.700)$	0.700 to 1.050
$C[A] = 5.0$	1.050 to 1.400
$C[p] = n(-14)$	0.400 to 1.000
$C[E] = 1.0 \text{ Alpha} < \text{Alpha[min]}$	0.400 to 1.400
$C[E] = \text{Alpha}/\text{Alpha[min]}$	0.400 to 1.400
Where: $\text{Alpha[min]} < \text{Alpha} < \text{Alpha[max]}$	
$C[E] = \text{Alpha}(2)/(\text{Alpha[max]} \times \text{Alpha[min]})$	0.400 to 1.400
Where: $\text{Alpha} > \text{Alpha[min]}$	
$C[c] = 1.0$	1.050 to 1.150
$C[c] = 10(1.8)(\Lambda - 1.150)$	1.150 to 1.200
$C[c] = 8$	1.200 to 1.400

NOTES: 1. For pulse repetition frequencies below 55 kHz (0.4 to 1.05 μ m) and below 20 kHz (1.05 to 1.4 μ m) see ANSI Z136.1.

2. For wavelengths between 0.400 and 1.400 μ m:

$\text{Alpha[min]} = 1.5 \text{ mrad for } t \leq 0.7 \text{ s}$
 $\text{Alpha[min]} = 2 t (3/4) \text{ mrad for } 0.7 \text{ s} < t < 10 \text{ s}$
 $\text{Alpha[min]} = 11 \text{ mrad for } t \leq 10 \text{ s}$
 $\text{Alpha[max]} = 100 \text{ mrad}$

3. For purposes of this Section 315. Table C, the following abbreviations or symbols are used:

Lambda = wavelength in μ m
n = number of pulses
Alpha = angular subtense (mrad)
t = time
t (s) = time in seconds
s = seconds
 μ m = micrometers
Min = minimum
Max = maximum
mrad = milliradians

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF ADOPTED RULES

Section 315. TABLE D Limiting Apertures for Hazards Evaluation and AEL Determination

Spectral Region (μm)	Duration (s)	Aperture Diameter (mm) Eye	Aperture Diameter (mm) Skin
0.180 to 0.400	10(-9) to 0.25 0.25 to 3 x 10(4)	1.0 3.5 7.0 1.0 1.5 t(3/8) 3.5 11.0	3.5 3.5 3.5 3.5 3.5 3.5 11.0
0.400 to 1.400	10(-9) to 3 x 10(4) 10(-9) to 0.3	3.5 7.0 1.0 1.5 t(3/8) 3.5 11.0	3.5 3.5 3.5 3.5 3.5 11.0
1.400 to 10(2)	0.3 to 10 10 to 3 x 10(4)	3.5 3.5 11.0	3.5 3.5 11.0
10(2) to 10(3)	10(-9) to 3 x 10(4)	11.0	11.0

NOTES: 1. Under normal conditions these exposure durations would not be used for hazard evaluation (see ANSI Z136.1 (Table 8)).

2. For purposes of this Section 315. Table D, the following abbreviations or symbols are used:

μm = micrometers
 s = seconds
 mm = millimeters
 $t(s)$ = time in seconds

1. These apertures are used for the measurement of optical power or energy for purposes of laser classification.

2. When the laser output is intended to be viewed with optics (excluding ordinary eyeglasses) or the laser safety officer determines that there is reasonable probability of accidental viewing with optics, a 50 mm aperture is used if the following conditions are met:

A) Viewing with optics presents a more severe hazard than unaided viewing.

B) The viewing time is sufficient to constitute a hazard.

3. Under normal conditions these exposure durations would not be used for classification (see ANSI Z136.1 (Table 9)).

4. For purposes of this Section 315. Table E, the following abbreviations or symbols are used:

μm = micrometers
 s = seconds
 mm = millimeters
 $t(s)$ = time in seconds

Section 315. TABLE E Measurement Apertures for Classification

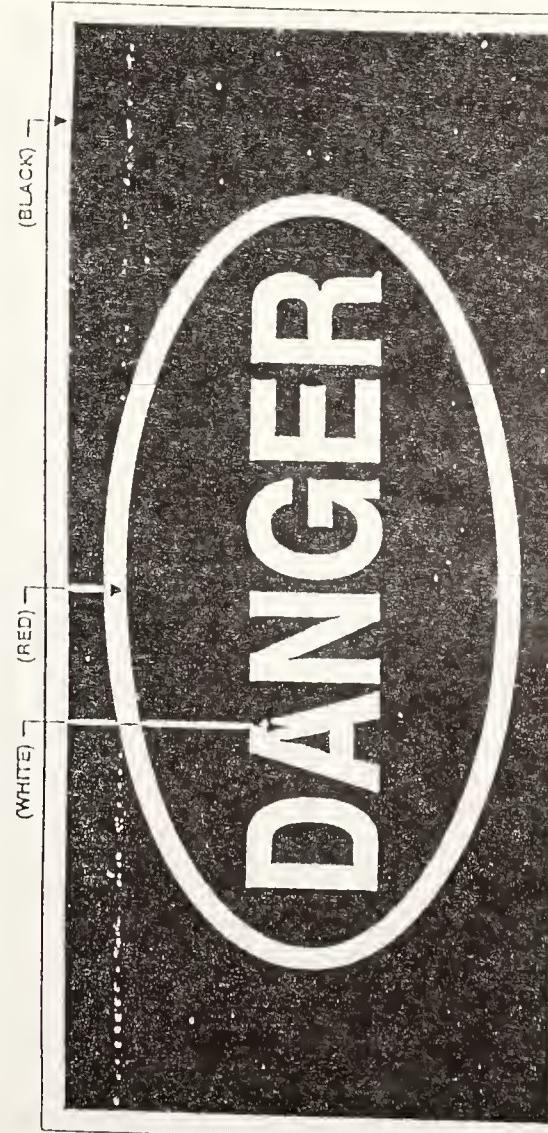
Spectral Region (μm)	Duration (s)	Spectral Region (μm)	Duration (s)	Aperture Diameter (mm)
0.180 to 0.302	10(-9) to 0.25 0.25 to 3 x 10(4)	0.180 to 0.302	10(-9) to 0.25 0.25 to 3 x 10(4)	1.0 3.5
0.302 to 2.8	0.302 to 2.8	0.302 to 2.8	10(-9) to 3 x 10(4)	50.0
2.8 to 10(2)	2.8 to 10(2)	2.8 to 10(2)	10(-9) to 0.3	1.0
10(2) to 10(3)	10(2) to 10(3)	10(2) to 10(3)	10(-9) to 3 x 10(4)	1.5 t(3/8)
			10(-9) to 3 x 10(4)	10 to 3 x 10(4)
				3.5
				11.0

NOTES:

DEPARTMENT OF NUCLEAR SAFETY

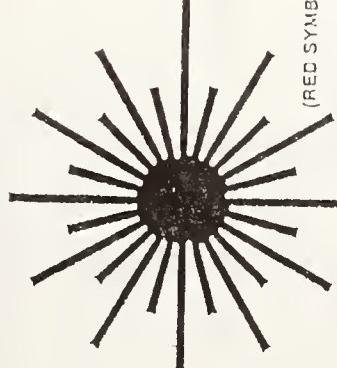
NOTICE OF ADOPTED RULES

Section 315.ILLUSTRATION A Sample Warning Sign for Class 3b Laser Facilities



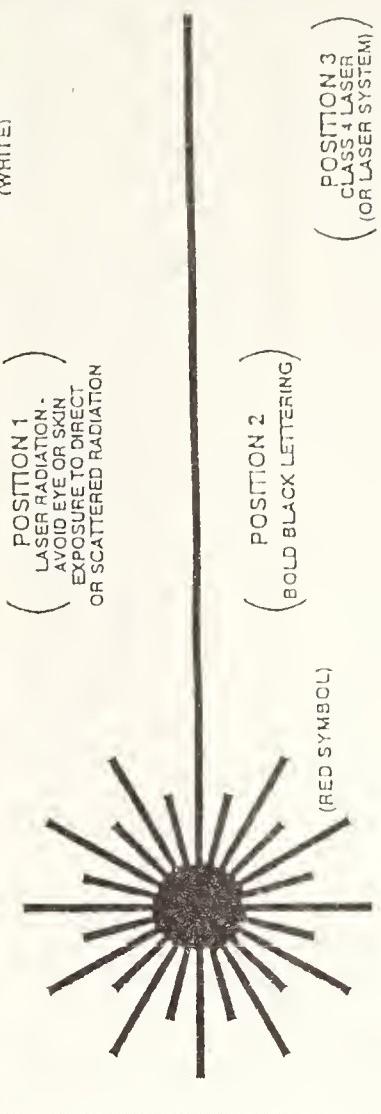
(WHITE)

(POSITION 1)
LASER RADIATION -
AVOID DIRECT
EXPOSURE TO BEAM



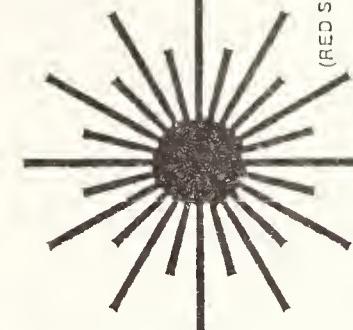
(BLACK)

(POSITION 2)
LASER RADIATION -
AVOID EYE OR SKIN
EXPOSURE TO DIRECT
OR SCATTERED RADIATION



(WHITE)

(POSITION 1)
LASER RADIATION -
AVOID EYE OR SKIN
EXPOSURE TO DIRECT
OR SCATTERED RADIATION



(RED)

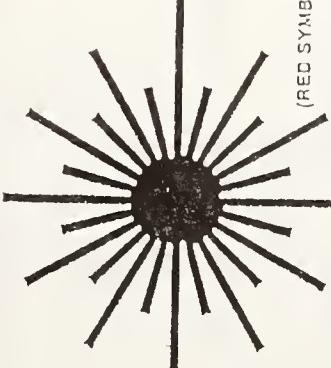
(RED)

(WHITE)

(RED SYMBOL)

(WHITE)

(POSITION 1)
LASER RADIATION -
AVOID EYE OR SKIN
EXPOSURE TO DIRECT
OR SCATTERED RADIATION



(BLACK)

(POSITION 2)
BOLD BLACK LETTERING

(WHITE)

(POSITION 3)
CLASS 3b LASER
(OR LASER SYSTEM)

(BLACK)

(POSITION 4)
CLASS 4 LASER
(OR LASER SYSTEM)

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENT

1) Heading of the Part: Hospital Services2) Code Citation: 89 Ill. Adm. Code 1483) Section Number: Adopted Action:
148.70 Amendment4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]5) Effective Date of Amendment: June 1, 20016) Does this rulemaking contain an automatic repeal date? No7) Does this amendment contain incorporations by reference? No

8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Notice of Proposal Published in Illinois Register: February 9, 2001 (25 Ill. Reg. 2260)10) Has JCAR issued a Statement of Objection to this amendment? No11) Differences Between Proposal and Final Version: The proposed changes in subsection (e) regarding prepayment review have been deleted. There are no other differences between the proposed and final versions of these amendments.12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes13) Will this amendment replace an emergency amendment currently in effect? No14) Are there any other amendments pending on this Part? Yes

<u>Sections</u>	<u>Proposed Action</u>	<u>Illinois Register Citation</u>
148.82	Amendment	March 23, 2001 (25 Ill. Reg. 4124)
148.310	Amendment	April 13, 2001 (25 Ill. Reg. 5254)

15) Summary and Purpose of Amendment: This amendment to Section 148.70 relates to costs for kidney acquisition and end-stage renal disease treatment (ESRDT). Changes regarding kidney acquisition costs provide updates by striking obsolete language; these acquisition costs payments were eliminated July 1, 1995, in response to Public Act 88-554. Similarly, text on ESRDT is being stricken because the provisions on screening

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENT

recipients by the Department of Public Health are no longer applicable to inpatient environments.

16) Information and questions regarding this adopted amendment shall be directed to:

Joanne Jones
 Office of the General Counsel, Rules Section
 Illinois Department of Public Aid
 201 South Grand Avenue East, Third Floor
 Springfield Illinois 62763-0002
 (217) 524-0081

The full text of the adopted amendment begins on the next page:9) Notice of Proposal Published in Illinois Register: February 9, 2001 (25 Ill. Reg. 2260)10) Has JCAR issued a Statement of Objection to this amendment? No11) Differences Between Proposal and Final Version: The proposed changes in subsection (e) regarding prepayment review have been deleted. There are no other differences between the proposed and final versions of these amendments.12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes13) Will this amendment replace an emergency amendment currently in effect? No14) Are there any other amendments pending on this Part? Yes

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENT

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER d: MEDICAL PROGRAMS

PART 148
HOSPITAL SERVICES

Section		Adjustments and Reductions to Total Payments
148.10	Hospital Services	148.290 Critical Hospital Adjustment Payment (CHAP)
148.20	Participation	148.295 Tertiary Care Adjustment Payments
148.25	Definitions and Applicability	148.296 Pediatric Outpatient Adjustment Payments
148.30	General Requirements	148.297 Pediatric Inpatient Adjustment Payments
148.40	Special Requirements	148.298 Payment
148.50	Covered Hospital Services	148.300 Review Procedure
148.60	Services Not Covered as Hospital Services	148.310 Alternatives
148.70	Limitation On Hospital Services	148.320 Exemptions
148.80	Organ Transplants Services Covered Under Medicaid (Repealed)	148.330 Subacute Alcoholism and Substance Abuse Treatment Services
148.82	Organ Transplant Services	148.340 Definitions (Repealed)
148.90	Heart Transplants (Repealed)	148.350 Types of Subacute Alcoholism and Substance Abuse Treatment Services (Repealed)
148.100	Liver Transplants (Repealed)	148.360 Volume Adjustment (Repealed)
148.110	Bone Marrow Transplants (Repealed)	148.368 Payment for Subacute Alcoholism and Substance Abuse Treatment Services
148.120	Disproportionate Share Hospital (DSH) Adjustments	148.370 Rate Appeals for Subacute Alcoholism and Substance Abuse Treatment Services (Repealed)
148.130	Outlier Adjustments for Exceptionally Costly Stays	148.380 Hearings
148.140	Hospital Outpatient and Clinic Services	148.390 Special Hospital Reporting Requirements
148.150	Public Law 103-66 Requirements	148.400 SOURCE: Implementing and authorized by Articles III, IV, V, VI, and Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. III, IV, V, VI and 12-13].
148.160	Payment Methodology for County-Owned Hospitals in an Illinois County with a Population of Over Three Million	Sections 148.10 thru 148.390 recodified from 89 Ill. Adm. Code 140.94 thru 140.398 at 13 Ill. Reg. 9572; Section 148.120 recodified from 89 Ill. Adm. Code 140.110 at 13 Ill. Reg. 12118; amended at 14 Ill. Reg. 2553, effective February 9, 1990; emergency amendment at 14 Ill. Reg. 11392, effective July 1, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 15358, effective September 13, 1990; amended at 14 Ill. Reg. 16998, effective October 4, 1990; amended at 14 Ill. Reg. 18293, effective October 30, 1990; amended at 14 Ill. Reg. 18499, effective November 8, 1990; emergency amendment at 15 Ill. Reg. 10502, effective July 1, 1991, for a maximum of 150 days; emergency expired October 29, 1991; emergency amendment at 15 Ill. Reg. 12005, effective August 9, 1991, for a maximum of 150 days; emergency expired January 6, 1992; emergency amendment at 15 Ill. Reg. 16166, effective November 1, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 6255, effective March 27, 1992; emergency amendment at 16 Ill. Reg. 11335, effective June 30, 1992, for a maximum of 150 days; emergency expired November 27, 1992; emergency amendment at 16 Ill. Reg. 11942, effective July 10, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 14778, effective October 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 19873, effective December 7, 1992; amended at 17 Ill. Reg. 131, effective December 21, 1992; amended at 17 Ill. Reg. 3296, effective March 1, 1993; amended at 17 Ill. Reg. 6649, effective April 21, 1993; amended at 17 Ill. Reg. 14643, effective August 30, 1993; emergency amendment at 17 Ill. Reg. 17323, effective October 1, 1993, for a maximum of 150 days; amended
148.170	Payment Methodology for Hospitals Organized Under the University of Illinois Hospital Act	
148.175	Supplemental Disproportionate Share Payment Methodology for Hospitals Organized Under the Town Hospital Act	
148.180	Payment for Pre-operative Days, Patient Specific Orders, and Services Which Can Be Performed in an Outpatient Setting	
148.190	Copayments	
148.200	Alternate Reimbursement Systems	
148.210	Filing Cost Reports	
148.220	Pre September 1, 1991 Admissions Occurring on or after September 1, 1991	
148.230	Utilization Review and Furnishing of Inpatient Hospital Services Directly or Under Arrangements	
148.240	Determination of Alternate Payment Rates to Certain Exempt Hospitals Calculation and Definitions of Inpatient Per Diem Rates	
148.250	Determination of Alternate Payment Rates to Certain Exempt Hospitals Determination of Alternate Cost Per Diem Rates for All Hospitals	
148.260	Payment Rates for Certain Exempt Hospital Units; and Payment Rates for Certain Other Hospitals	
148.270	Reimbursement Methodologies for Children's Hospitals and Hospitals Reimbursed Under Special Arrangements	
148.280	Excellence in Academic Medicine Payments	
148.285		

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENT

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENT

at 18 Ill. Reg. 3450, effective February 28, 1994; emergency amendment at 18 Ill. Reg. 12853, effective August 2, 1994; for a maximum of 150 days; amended at 18 Ill. Reg. 14117, effective September 1, 1994; amended at 19 Ill. Reg. 1067, effective January 20, 1995; emergency amendment at 19 Ill. Reg. 3510, effective March 1, 1995, for a maximum of 150 days; emergency expired July 29, 1995; emergency amendment at 19 Ill. Reg. 6709, effective May 12, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 10060, effective June 29, 1995; emergency amendment at 19 Ill. Reg. 10752, effective July 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 13009, effective September 5, 1995; amended at 19 Ill. Reg. 16630, effective November 28, 1995; amended at 20 Ill. Reg. 872, effective December 29, 1995; amended at 20 Ill. Reg. 7912, effective May 31, 1996; emergency amendment at 20 Ill. Reg. 9281, effective July 1, 1996, for a maximum of 150 days; emergency amendment at 20 Ill. Reg. 15722, effective September 1, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 12510, effective November 27, 1996; amended at 21 Ill. Reg. 607, effective January 2, 1997; amended at 21 Ill. Reg. 8386, effective June 23, 1997; emergency amendment at 21 Ill. Reg. 9552, effective July 1, 1997, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 9822, effective July 2, 1997, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 10147, effective August 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 13349, effective September 23, 1997; emergency amendment at 21 Ill. Reg. 13675, effective September 27, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 16161, effective November 26, 1997; amended at 22 Ill. Reg. 1408, effective December 29, 1997; amended at 22 Ill. Reg. 3083, effective January 26, 1998; amended at 22 Ill. Reg. 11514, effective June 22, 1998; emergency amendment at 22 Ill. Reg. 13070, effective July 1, 1998, for a maximum of 150 days; emergency amendment at 22 Ill. Reg. 15027, effective August 1, 1998, for a maximum of 150 days; emergency amendment at 22 Ill. Reg. 16273, effective August 28, 1998; amendment at 22 Ill. Reg. 21490, effective November 25, 1998; amended at 23 Ill. Reg. 5784, effective April 30, 1999; amended at 23 Ill. Reg. 7115, effective June 1, 1999; amended at 23 Ill. Reg. 7908, effective June 30, 1999; emergency amendment at 23 Ill. Reg. 8213, effective July 1, 1999, for a maximum of 150 days; emergency amendment at 23 Ill. Reg. 12772, effective October 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 13621, effective November 1, 1999; amended at 24 Ill. Reg. 2400, effective February 1, 2000; amended at 24 Ill. Reg. 3845, effective February 25, 2000; emergency amendment at 24 Ill. Reg. 10386, effective July 1, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 11846, effective August 1, 2000; amended at 24 Ill. Reg. 16067, effective October 16, 2000; amended at 24 Ill. Reg. 17146, effective November 1, 2000; amended at 24 Ill. Reg. 18293, effective December 1, 2000; amended at 24 Ill. Reg. 18320, effective December 1, 2000; emergency amendment at 24 Ill. Reg. 19344, effective December 15, 2000, for a maximum of 150 days; amended at 25 Ill. Reg. 5359, effective April 1, 2001; emergency amendment at 25 Ill. Reg. 5432, effective April 1, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 6959, effective JUN 1 2001.

NOTICE OF ADOPTED AMENDMENT

Section 148.70 Limitation On Hospital Services

- a) Payment for inpatient hospital care in general and specialty hospitals shall be made only when it is recommended by a qualified physician, and the care is essential as determined by the appropriate utilization review authority. For hospitals or distinct part units reimbursed on a per diem basis under Sections 148.160 through 148.170 and 148.250 through 148.300, payment shall not exceed the number of days approved for the recipient's care by the appropriate utilization review authority (see Section 148.240). If Medicare benefits are not paid because of non-approval by the utilization review authority, payment shall not be made on behalf of the Department.
- b) For hospitals or distinct part units reimbursed on a per case basis, payment for inpatient hospital services shall be made in accordance with 85 Ill. Adm. Code 149.
- c) For hospitals, or distinct part units reimbursed on a per diem basis, under Sections 148.160 through 148.170 and 148.250 through 148.300, payment for in-patient hospital services shall be made based on calendar days. The day of admission shall be counted. An admission with discharge on the same day shall be counted as one day. If a recipient is admitted, discharged and re-admitted on the same day, only one day shall be counted.
- d) In obstetrical cases payment for services to both the mother and the newborn child shall be made at one per diem rate, or one per case rate, whichever is applicable. Only in instances in which the medical condition of the newborn, as certified by the utilization review authority, necessitates care in other than the newborn nursery, shall payment be made in the child's name.
- e) Payment for inpatient psychiatric hospital care in a psychiatric hospital, as defined in 89 Ill. Adm. Code 149.50(c)(1), shall be made only when such services have been provided in accordance with federal regulations at 42 CFR Part 441, Subparts C and D. Payment for all inpatient psychiatric services is subject to a prepayment review. All prepayment review shall be conducted by the Department's designated peer review agent. Prepayment review shall be used to determine the appropriateness and necessity of the inpatient psychiatric care. Only inpatient psychiatric care medically necessary as determined by a physician licensed to practice medicine in all its branches, will be reimbursed by the Department. The following criteria exemplify the factors that shall be used to determine the medical necessity of inpatient psychiatric care:
 - 1) The patient's condition indicates that he or she suffers from an acute psychological or physiological disorder requiring inpatient hospital intervention (including, but not limited to: acute disabling symptoms as a response to bio-psychosocial stress; acute danger to self or others; the medical necessity for interventions possible only in an inpatient hospital setting);

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENT

- 2) A comprehensive treatment plan has been developed and progress documented for the patient (including, but not limited to: physician's progress notes; participation in medical psychotherapy; assessment of available rehabilitative resources; creation of treatment goals).
- f) Payment for transplantation costs (with the exception of kidney and cornea transplants), including organ acquisition costs, shall be made only when provided by an approved transplantation center as described in Section 148.82. Payment for kidney and cornea transplantation costs does not require enrollment as an approved transplantation center and ~~and payment for kidney acquisition costs does not require enrollment as an approved transplantation center but is only provided to hospitals reimbursed on a per case basis in accordance with 89 Ill. Adm. Code 149.~~
- ~~Payment for end-stage-disease-treatment shall be made only when provided to recipients who have been screened by and meet medical criteria established by the Department of Public Health.~~

(Source: Amended at 25 Ill. Reg. 6959, effective 6/1/01)

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Hospital Reimbursement Changes
- 2) Code Citation: 89 Ill. Adm. Code 152
- 3) Section Numbers:
152.150
152.200
- Adopted Action:
Amendment
Amendment
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]
- 5) Effective Date of Amendments: May 28, 2001
- 6) Does this rulemaking contain an automatic repeal date? Yes
- 7) Do these amendments contain incorporations by reference? Yes
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: January 5, 2001 (25 Ill. Reg. 39)
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Differences Between Proposal and Final Version: There are no differences between the proposed and final versions of these amendments.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will these amendments replace emergency amendments currently in effect?
Yes
- 14) Are there any other amendments pending on this Part? No
- 15) Summary and Purpose of Amendments: These amendments to the Department's rules concerning reimbursement for hospital services and ambulatory surgical treatment services are intended to implement certain budgetary constraints in response to recent related budgetary increases. These cost containment measures are intended to allow the maintenance of essential medical services while controlling costs and respecting appropriation limitations.

The Department's plan for controlling medical expenditures is directed to hospital inpatient and outpatient services and Ambulatory Surgical Treatment Centers (ASTCs). Under these amendments, payments shall not

DEPARTMENT OF PUBLIC AID
NOTICE OF ADOPTED AMENDMENTS

exceed charges to the Department. These amendments are not applicable to government owned or operated hospitals, children's hospitals, disproportionate share payments, payments for outlier costs or payments for Medicaid High Volume Adjustments.

As a result of these payment limitations affecting hospital inpatient and outpatient services, as well as ASTCs, the Department anticipates that annual expenditures will decrease by approximately \$33.6 million.

- 16) Information and questions regarding these adopted amendments shall be directed to:

Joanne Jones
Office of the General Counsel, Rules Section
Illinois Department of Public Aid
201 South Grand Avenue East, Third Floor
Springfield, Illinois 62763-0002
(217) 524-0081

The full text of the adopted amendments begins on the next page:

Section
152.100
152.150
152.200
152.250

AUTHORITY: Reimbursement Add-on Adjustments (Repealed)
Diagnosis Related Grouping (DRG) Prospective Payment System (PPS)
Non-DRG Reimbursement Methodologies
Appeals (Repealed)

SOURCE: Implementing and authorized by Articles III, IV, V and VI and Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. III, IV, V and VI and 12-13] and implementing Article III of the Illinois Health Finance Reform Act [20 ILCS 2215/Art. III].

AUTHORITY: Emergency rules adopted at 18 Ill. Reg. 2150, effective January 18, 1994, for maximum of 150 days; adopted at 18 Ill. Reg. 10141, effective June 17, 1994; emergency amendment at 19 Ill. Reg. 6706, effective May 12, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 10236, effective June 30, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 16272, effective November 27, 1995; emergency amendment at 20 Ill. Reg. 9272, effective July 1, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 15712, effective November 27, 1996; emergency amendment at 21 Ill. Reg. 9544, effective July 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 16153, effective November 26, 1997; emergency amendment at 25 Ill. Reg. 218, effective January 1, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 3966, effective May 24, 2001.

Section 152.150 Diagnosis Related Grouping (DRG) Prospective Payment System (PPS)

- a) Notwithstanding any provisions set forth in 89 Ill. Adm. Code 149, the changes described in subsections (b) and (c) of this Section will be effective January 18, 1994.

- b) For the rate periods, as described in 89 Ill. Adm. Code 148.25(g)(2)(B), the DRG weighting factors shall be adjusted by a factor, the numerator of which is the statewide weighted average DRG base payment rate in effect for the base period, as described in 89 Ill. Adm. Code 148.25(g)(2)(A), and the denominator of which is the statewide weighted average DRG base payment rate for the rate period, as described in 89 Ill. Adm. Code 148.25(g)(2)(B). For this adjustment, DRG base payment rate means the product of the PPS base rate, as described in 89 Ill. Adm. Code 149.100(c)(3), and the indirect medical education factor, as described in 89 Ill. Adm. Code 149.150(c)(3).

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

- c) All payments calculated under 89 Ill. Adm. Code 149.140 and 149.150(c)(1), (c)(2) and (c)(4), in effect on January 18, 1994, shall remain in effect hereafter.
- d) For hospital inpatient services rendered on or after July 1, 1995, the Department shall reimburse hospitals using the relative weighting factors and the base payment rates calculated pursuant to the methodology described in this Section, that were in effect on June 30, 1995, less the portion of such rates attributed by the Department to the cost of medical education.
- e) Notwithstanding the provisions set forth in 89 Ill. Adm. Code 149 (DRG PPS), the changes described in this subsection (e) shall be effective January 1, 2001. Payments for hospital inpatient and outpatient services shall not exceed charges to the Department. This payment limitation shall not apply to government owned or operated hospitals or children's hospitals as defined at 89 Ill. Adm. Code 149.50(c)(3). This payment limitation shall not apply to or affect disproportionate share payments as described at 89 Ill. Adm. Code 148.120, payments for outlier costs as described at 89 Ill. Adm. Code 149.105 or payments for Medicaid High Volume Adjustments as described at 89 Ill. Adm. Code 148.290(d).

(Source: Amended at MAY 25, 2001)

(Source: Amended at MAY 25, 2001)

Section 152.200 Non-DRG Reimbursement Methodologies

- a) Notwithstanding any provisions set forth in 89 Ill. Adm. Code 148, the changes described in subsection (b) of this Section will be effective January 18, 1994.
- b) All per diem payments calculated under 89 Ill. Adm. Code 148, except for those described in 89 Ill. Adm. Code 148.120, 148.160, 148.170, 148.175 and 148.290(a), (c) and (d), in effect on January 18, 1994 less the portion of such rates attributed by the Department to the cost of medical education, shall remain in effect hereafter.
- c) Notwithstanding the provisions set forth in 89 Ill. Adm. Code 148, Hospital Services, and 89 Ill. Adm. Code 146, Subpart A, Ambulatory Surgical Treatment Centers, the changes described in this subsection (c) shall be effective January 1, 2001. Payments for hospital inpatient and outpatient services and ambulatory surgical treatment services shall not exceed charges to the Department. This payment limitation shall not apply to government owned or operated hospitals or children's hospitals as defined at 89 Ill. Adm. Code 149.50(c)(3). This payment limitation shall not apply to or affect disproportionate share payments as described at 89 Ill. Adm. Code 148.120, payments for outlier costs as described at 89 Ill. Adm. Code 148.130 or payments for Medicaid High Volume Adjustments as described at 89 Ill. Adm. Code 148.290(d).

**JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY**

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of May 15, 2001 through May 21, 2001 and have been scheduled for review by the Committee at its June 12, 2001 meeting in Chicago. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rulemaking should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield IL 62706.

<u>Second Notice Expires</u>	<u>Agency and Rule</u>	<u>Start Of First Notice</u>	<u>JCAR Meeting</u>
6/28/01	<u>Department of Insurance, Minimum Standards for Individual and Group Medicare Supplement Insurance</u> (50 Ill Adm Code 2008)	2/2/01 25 Ill Reg 1904	6/12/01
6/28/01	<u>Department of Public Health, Illinois Swimming Pool and Bathing Beach Code</u> (77 Ill Adm Code 820)	2/9/01 25 Ill Reg 2288	6/12/01
6/28/01	<u>Illinois Racing Board, Claiming Races</u> (11 Ill Adm Code 510)	1/19/01 25 Ill Reg 781	6/12/01
6/28/01	<u>Department of Transportation, Relocation Assistance Services and Payments Program for Airport Projects</u> (92 Ill Adm Code 12)	3/30/01 25 Ill Reg 4545	6/12/01
6/28/01	<u>Department of Natural Resources, Consignment of Licenses, Stamps and Permits</u> (17 Ill Adm Code 2520)	3/23/01 25 Ill Reg 4109	6/12/01
6/30/01	<u>Department of Veterans' Affairs, Payment of Maintenance Charges and Income Management at the Illinois Veterans Homes</u> (95 Ill Adm Code 108)	3/16/01 25 Ill Reg 3829	6/12/01
7/4/01	<u>Department of Corrections, Discipline and Grievances</u> (20 Ill Adm Code 504)	3/23/01 25 Ill Reg 4075	6/12/01

PROCLAMATIONS

**2001-136 (REVISED)
MINORITY HEALTH MONTH**

WHEREAS, minority populations in Illinois have higher incidence rates of many diseases, including cancer, heart disease, unintentional injury, diabetes and HIV/AIDS than the majority population; and WHEREAS, minority populations are more likely to die from these diseases than non-minority populations; and

WHEREAS, the Minority Health Partnership in Chicago and the Minority Health Coalition in Springfield are made up of representatives of hospitals, community-based organizations, neighborhood centers, the business community and public health departments dedicated to organizing and implementing health promotion programs for minority populations; and WHEREAS, the partnership and coalition have adopted as their mission providing pertinent information and assistance on a wide range of health-related issues to minority individuals, families and communities throughout Illinois; and

WHEREAS, both organizations have undertaken this mission in order to support the large communal effort toward eliminating disparities in health outcomes between minority populations and the overall populations; and

WHEREAS, the partnership and coalition have expanded their scope beyond Chicago and Springfield to include a year-round calendar of activities that incorporate effective health education and promotion strategies to help prevent

disease and to counteract premature mortality; and

WHEREAS, both organizations have adopted April as Minority Health Month, during which attention is focused on community awareness and knowledge of healthy lifestyles, and all communities are encouraged to promote consistent physical activity, proper nutrition and regular medical visits;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim April 2001 as MINORITY HEALTH MONTH in Illinois.

Issued by the Governor March 7, 2001.

Filed by the Secretary of State April 12, 2001.

**2001-173 (REVISED)
RITA HAYWORTH GALA AND ALZHEIMER'S ASSOCIATION DAY**

WHEREAS, Alzheimer's disease is a degenerative neurological disorder that slowly destroys brain cells, ultimately rendering the brain inoperable. Individuals with Alzheimer's cannot recognize the world around them, leaving affected individuals vulnerable to illness and infection; and WHEREAS, currently, 4 million Americans suffer from Alzheimer's, and it has been estimated that this number will grow to 14 million by the year 2050; and

WHEREAS, the Alzheimer's Association is the only national health organization dedicated to research to conquer Alzheimer's disease and to providing support and assistance to people with the disease, their families, and caregivers; and WHEREAS, the Association has provided more than \$82 million in funding for hundreds of research studies; and WHEREAS, the Association has developed an aggressive strategic plan that

calls for mobilizing resources worldwide, creating public and private partnerships to stimulate scientific discoveries, increasing federal research funding to \$500 million, increasing research funding by the Association to \$30 million, raising public knowledge of and about the disease, and expanding access to services, information and training for professionals and families; and

WHEREAS, the Chicago Rita Hayworth Gala is a fundraiser to honor the great actress and benefit the Alzheimer's Association to find the causes and cures for the disease; and

WHEREAS, Princess Yasmin Aga Khan, daughter of Rita Hayworth, will be in attendance, helping raise support and awareness for the Alzheimer's Association; and

WHEREAS, the 14th Annual Rita Hayworth Gala will be held on Saturday, May 12, 2001;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim May 12, 2001, as RITA HAYWORTH GALA AND ALZHEIMER'S ASSOCIATION DAY in Illinois.

Issued by the Governor March 27, 2001.

Filed by the Secretary of State April 12, 2001.

2001-180 CLEMENTINE PRICE DAY

WHEREAS, Clementine Price was born May 18, 1911, and is celebrating her 90th birthday this year; and WHEREAS, she married Theodore C. Price in 1931 and remained married to him for 56 years; and

WHEREAS, Clementine began working for Illinois Bell Telephone Company as an information operator and became the "weather girl" whose voice was recorded for the weather telephone number; and

WHEREAS, Clementine was promoted to management until her retirement from Bell after 25 years of service; and WHEREAS, she has been a member of the "Pioneer Club" for retired telephone employees since 1973; and

WHEREAS, Clementine enjoys reading and spending time with her family, which includes a son, twin daughters, nine grandchildren and four great-grandchildren;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim May 18, 2001, as CLEMENTINE PRICE DAY in Illinois.

Issued by the Governor March 29, 2001.

Filed by the Secretary of State April 5, 2001.

2001-181 EBENEZER EVANGELICAL LUTHERAN CHURCH DAY

WHEREAS, Ebenezer Evangelical Lutheran Church is celebrating its Centennial Jubilee on May 9, 2001; and

WHEREAS, Ebenezer congregation was organized on May 9, 1901, with 13 charter members in the North Lawndale community; and

WHEREAS, Ebenezer Church has been a cornerstone of help in the Chicago community; and

WHEREAS, Ebenezer remains committed to community outreach programs such as

Ebenezer Whole Life Center -- Kum Bah Yah House, Girl Scouts, Navigators Program, Lutheran Congregations for Career Development and Vacation Bible School;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim May 9, 2001, as EBENEZER EVANGELICAL LUTHERAN CHURCH DAY in Illinois.

Filed by the Secretary of State April 5, 2001.

2001-182 MICHAEL KAY DAY

WHEREAS, Michael Kay of Wilmington, Illinois, has been selected as the top middle school youth volunteer in Illinois for 2001; and

WHEREAS, Michael was nominated by the University of Illinois Extension's Will County 4-H program in Joliet, Illinois; and

WHEREAS, Michael is an active 4-H member and eighth grader at L.J. Stevens Middle School; and

WHEREAS, he developed the "Share a Friend", program, which provides companionship for 61 handicapped group home residents through partnerships with young people; and

WHEREAS, Michael recruited 84 middle and high school students and members of his 4-H club to become buddies, raised the money to fund the program, and schedules the activities, such as bowling and golf outings and birthday and holiday parties; and

WHEREAS, Prudential Insurance Company and the National Association of Secondary School Principals are honoring Michael at the sixth annual Prudential Spirit of Community Awards for his exemplary volunteer work; and

WHEREAS, for his hard work and community involvement, Michael is receiving a \$1,000 award, an engraved silver medallion, and a trip to Washington, D.C., from May 5-8 for the program's national recognition events; and

WHEREAS, Michael will represent the State of Illinois in Washington, D.C., and be considered for the honor of being named America's top youth volunteer for 2001;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim May 6, 2001, as MICHAEL KAY DAY in Illinois.

Issued by the Governor March 29, 2001.

Filed by the Secretary of State April 5, 2001.

WHEREAS, shared housing offers a housing alternative that enables older adults, people with disabilities, and other special populations to remain in the community; and

WHEREAS, shared housing is an affordable housing option available to senior citizens who wish to either stay in their homes or live with other seniors without paying a high fee; and

WHEREAS, such an option is also available to people of all ages in transitional periods, such as divorce, loss of a spouse, educational pursuits, or job relocation; and

WHEREAS, shared housing is available to Illinois residents through a growing number of reputable not-for-profit agencies and organizations; and

WHEREAS, both group shared residences and match-up homesharing programs offer the careful screening of applicants to ensure a comfortable group living arrangement or a compatible match for both home provider and home seeker; and WHEREAS, shared housing offers homesharers in both group shared residences and match-up homesharing the benefits of companionship and the sharing of responsibilities, which promote independence and self determination;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim May 13-19, 2001, as SHARED HOUSING WEEK in Illinois.

Filed by the Governor March 29, 2001.

2001-184
VOLUNTEER WEEK (CHICAGO REGION)

WHEREAS, volunteers play important roles in both government and private enterprise, helping to change the lives of those around them; and WHEREAS, individuals and entire communities are influenced by the contribution of volunteers; and WHEREAS, the Illinois Guardianship and Advocacy Commission recruits and trains volunteers to serve on Regional Human Rights Authorities; and WHEREAS, each Human Rights Authority protects the rights of thousands of persons with disabilities each year by investigating allegations of rights violations committed by service providing agencies; and WHEREAS, Leona W. Davis, Mila Fair, Horthy Levkovitz, Joseph E. Mengoni, Susan Silverman, Mary E. Rosen Swanson, Susan Smith and Finian Taylor serve on the Human Rights Authority, Chicago Region and contribute hundreds of hours to State government each year on behalf of persons with disabilities; and WHEREAS, during this week service projects will be performed all over the nation, and volunteers will be recognized for their commitment to community service;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim April 22-28, 2001, as VOLUNTEER WEEK in Illinois.

Filed by the Governor March 29, 2001.

Issued by the Secretary of State April 5, 2001.
Filed by the Secretary of State April 5, 2001.

2001-185
VOLUNTEER WEEK (EAST CENTRAL REGION)

WHEREAS, volunteers play important roles in both government and private enterprise, helping to change the lives of those around them; and WHEREAS, individuals and entire communities are influenced by the contribution of volunteers; and WHEREAS, the Illinois Guardianship and Advocacy Commission recruits and trains volunteers to serve on Regional Human Rights Authorities; and WHEREAS, each Human Rights Authority protects the rights of thousands of persons with disabilities each year by investigating allegations of rights violations committed by service providing agencies; and WHEREAS, Lianne Anderson, Kelly Czarnecki, Phyllis Davis, Kevin Gawthrop, Janet Jenkins, Diana Krandel, Mary Jane Pegg, Tim Shea and Robin L. Spalding serve on the Human Rights Authority, East Central Region and contribute hundreds of hours to State government each year on behalf of persons with disabilities; and

WHEREAS, during this week service projects will be performed all over the nation, and volunteers will be recognized for their commitment to community service;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim April 22-28, 2001, as VOLUNTEER WEEK in Illinois.

Issued by the Governor March 29, 2001.

Filed by the Secretary of State April 5, 2001.

2001-186
VOLUNTEER WEEK (EGYPTIAN REGION)

WHEREAS, volunteers play important roles in both government and private enterprise, helping to change the lives of those around them; and WHEREAS, individuals and entire communities are influenced by the contribution of volunteers; and WHEREAS, the Illinois Guardianship and Advocacy Commission recruits and trains volunteers to serve on Regional Human Rights Authorities; and WHEREAS, each Human Rights Authority protects the rights of thousands of persons with disabilities each year by investigating allegations of rights violations committed by service providing agencies; and WHEREAS, Ann Acton, Hattie Adkinson, Sue Taylor Barfield, Phyllis Brown, Vickie Devenport, Alphonso Farmer, Brad L. Friend, Mary McMahan and Pam O'Connor serve on the Human Rights Authority, Egyptian Region and contribute hundreds of hours to State government each year on behalf of persons with disabilities; and WHEREAS, during this week service projects will be performed all over the nation, and volunteers will be recognized for their commitment to community service;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim April 22-28, 2001, as VOLUNTEER WEEK in Illinois.

Issued by the Governor March 29, 2001.

Filed by the Secretary of State April 5, 2001.

2001-187
VOLUNTEER WEEK (METRO EAST REGION)

WHEREAS, volunteers play important roles in both government and private enterprise, helping to change the lives of those around them; and WHEREAS, individuals and entire communities are influenced by the contribution of volunteers; and WHEREAS, the Illinois Guardianship and Advocacy Commission recruits and trains volunteers to serve on Regional Human Rights Authorities; and WHEREAS, each Human Rights Authority protects the rights of thousands of persons with disabilities each year by investigating allegations of rights violations committed by service providing agencies; and WHEREAS, Thomas B. Cannady, Dale Richard Dawdy, Katherine A. Gregus, Jeffrey C. McManamy, Helen Newsome-Jacks, Margaret Scovitch, Mae Alice Shobe and Emil E. Wilson serve on the Human Rights Authority, Metro East Region and contribute hundreds of hours to State government each year on behalf of persons with disabilities; and WHEREAS, during this week service projects will be performed all over the nation, and volunteers will be recognized for their commitment to community

service;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim April 22-28, 2001, as VOLUNTEER WEEK in Illinois.

Issued by the Governor March 29, 2001.

Filed by the Secretary of State April 5, 2001.

2001-188**VOLUNTEER WEEK (NORTH SUBURBAN REGION)**

WHEREAS, volunteers play important roles in both government and private enterprise, helping to change the lives of those around them; and WHEREAS, individuals and entire communities are influenced by the contribution of volunteers; and WHEREAS, the Illinois Guardianship and Advocacy Commission recruits and trains volunteers to serve on Regional Human Rights Authorities; and WHEREAS, each Human Rights Authority protects the rights of thousands of persons with disabilities each year by investigating allegations of rights violations committed by service providing agencies; and WHEREAS, Michael Freda, Larry Just, David A. Loundenburg, Jeremy McNamara, James N. Simkins, Charles E. Skov, Michael K. Streight and Gus Winters serve on the Human Rights Authority, Peoria Region and contribute hundreds of hours to State government each year on behalf of persons with disabilities; and WHEREAS, during this week service projects will be performed all over the nation, and volunteers will be recognized for their commitment to community service;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim April 22-28, 2001, as VOLUNTEER WEEK in Illinois.

Issued by the Governor March 29, 2001.

2001-189**VOLUNTEER WEEK (NORTHWEST REGION)**

WHEREAS, volunteers play important roles in both government and private enterprise, helping to change the lives of those around them; and WHEREAS, individuals and entire communities are influenced by the contribution of volunteers; and WHEREAS, the Illinois Guardianship and Advocacy Commission recruits and trains volunteers to serve on Regional Human Rights Authorities; and WHEREAS, each Human Rights Authority protects the rights of thousands of persons with disabilities each year by investigating allegations of rights violations committed by service providing agencies; and WHEREAS, Walter S. Bankson, Joel B. Cowen, John P. Ellis, Candace Long, James P. Medendorp, Trina O'Brien and Joyce Peterson serve on the Human Rights Authority, Northwest Region and contribute hundreds of hours to State government each year on behalf of persons with disabilities; and WHEREAS, during this week service projects will be performed all over the nation, and volunteers will be recognized for their commitment to community service;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim April 22-28, 2001, as VOLUNTEER WEEK in Illinois.

Issued by the Governor March 29, 2001.

Filed by the Secretary of State April 5, 2001.

2001-190**VOLUNTEER WEEK (PEORIA REGION)**

WHEREAS, volunteers play important roles in both government and private enterprise, helping to change the lives of those around them; and WHEREAS, individuals and entire communities are influenced by the contribution of volunteers; and WHEREAS, the Illinois Guardianship and Advocacy Commission recruits and trains volunteers to serve on Regional Human Rights Authorities; and WHEREAS, each Human Rights Authority protects the rights of thousands of persons with disabilities each year by investigating allegations of rights violations committed by service providing agencies; and WHEREAS, Michael Freda, Larry Just, David A. Loundenburg, Jeremy McNamara, James N. Simkins, Charles E. Skov, Michael K. Streight and Gus Winters serve on the Human Rights Authority, Peoria Region and contribute hundreds of hours to State government each year on behalf of persons with disabilities; and WHEREAS, during this week service projects will be performed all over the nation, and volunteers will be recognized for their commitment to community service;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim April 22-28, 2001, as VOLUNTEER WEEK in Illinois.

Issued by the Governor March 29, 2001.

2001-191**VOLUNTEER WEEK (SOUTH SUBURBAN REGION)**

WHEREAS, volunteers play important roles in both government and private enterprise, helping to change the lives of those around them; and WHEREAS, individuals and entire communities are influenced by the contribution of volunteers; and WHEREAS, the Illinois Guardianship and Advocacy Commission recruits and trains volunteers to serve on Regional Human Rights Authorities; and WHEREAS, each Human Rights Authority protects the rights of thousands of persons with disabilities each year by investigating allegations of rights violations committed by service providing agencies; and WHEREAS, Fred Flynn, Thelma Larsson, Nancy Leenerman, Lauren Pell, Peggy A. Peterson, Hazel Shapen, Karen Steffan and Carol Ann Vance serve on the Human Rights Authority, South Suburban Region and contribute hundreds of hours to State government each year on behalf of persons with disabilities; and WHEREAS, during this week service projects will be performed all over the nation, and volunteers will be recognized for their commitment to community service;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim April 22-28, 2001, as VOLUNTEER WEEK in Illinois.

Issued by the Governor March 29, 2001.

2001-192**VOLUNTEER WEEK (SPRINGFIELD REGION)**

WHEREAS, volunteers play important roles in both government and private enterprise, helping to change the lives of those around them; and WHEREAS, individuals and entire communities are influenced by the contribution of volunteers; and WHEREAS, the Illinois Guardianship and Advocacy Commission recruits and trains volunteers to serve on Regional Human Rights Authorities; and WHEREAS, each Human Rights Authority protects the rights of thousands of persons with disabilities each year by investigating allegations of rights violations committed by service providing agencies; and

WHEREAS, Carol Ann Bressan, Joseph J. Kim, Charles Purrera, Janet Shelton, David Vangiesen, Debbie Weiner and Kathie E. Wozniak serve on the Human Rights Authority, Springfield Region and contribute hundreds of hours to State government each year on behalf of persons with disabilities; and WHEREAS, during this week service projects will be performed all over the nation, and volunteers will be recognized for their commitment to community service;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim April 22-28, 2001, as VOLUNTEER WEEK in Illinois.

Issued by the Governor March 29, 2001.

Filed by the Secretary of State April 5, 2001.

2001-193 COUNSELOR APPRECIATION AND RECOGNITION DAY

WHEREAS, counseling professionals provide an invaluable service to people of all ages and walks of life, who seek their assistance, including individuals, couples, children, families, groups, and organizations; and WHEREAS, counselors help to prevent the tragic loss of life and/or waste of human potential and talent, and their work benefits society as a whole; and

WHEREAS, counselors are employed or volunteer in a variety of settings in Illinois, including private practice, schools, hospitals, community agencies, substance abuse treatment centers, and career centers; and WHEREAS, it is appropriate that counselors be honored for their contribution to the quality of life in Illinois during a day of recognition;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim May 23, 2001, as COUNSELOR APPRECIATION AND RECOGNITION DAY in Illinois.

Issued by the Governor March 30, 2001.

Filed by the Secretary of State April 5, 2001.

2001-194 EMERGENCY MEDICAL SERVICES FOR CHILDREN DAY

WHEREAS, Emergency Medical Services for Children (EMSC) recognizes that children have unique physiological responses to illness and injury; and WHEREAS, EMSC promotes a specialized approach to pediatric care; and WHEREAS, Illinois' emergency medical services system strives to integrate pediatric emergency care needs across a wide spectrum; and WHEREAS, in Illinois there are more than 155,000 nurses, 31,000 physicians, 25,000 basic emergency medical technicians (EMTs), 480 coal miner EMTs, 2,600 intermediate EMTs, 9,116 paramedic EMTs and 230 hospitals dedicated to promoting preventive measures, pre-hospital care, outpatient and specialized services, and inpatient and rehabilitative care; and

WHEREAS, emergency medical services (EMS) embody the true concept of teamwork by recognizing the interdependent relationship among trauma centers, EMS system hospitals, ambulance providers, emergency and trauma physicians, emergency nurses, emergency medical technicians (EMTs) basic, coal miner, intermediate and paramedic field nurses, emergency communication nurses, trauma nurse specialists, emergency dispatchers and first responders who are dedicated to saving lives; and

WHEREAS, in Illinois there are more than 63 EMS resource hospitals, 66 trauma centers, and more than 250,000 basic EMTs, 480 coal miner EMTs, 2,600 intermediate EMTs and 9,116 paramedic EMTs selflessly providing 24-hour service to the people of Illinois; and

WHEREAS, this year's national theme, "EMS Answering the Call", underscores the immediacy of the often difficult situations to which EMS personnel must respond;

WHEREAS, Illinois' emergency medical services (EMSC) recognizes that the nation's EMSC commitment to reduce childhood morbidity and mortality associated with severe illness and trauma; THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim May 23, 2001, as EMERGENCY MEDICAL SERVICES FOR CHILDREN DAY in Illinois.

Issued by the Governor March 30, 2001.

Filed by the Secretary of State April 5, 2001.

2001-194 (REVISED) EMERGENCY MEDICAL SERVICES FOR CHILDREN DAY

WHEREAS, Emergency Medical Services for Children (EMSC) recognizes that children have unique physiological responses to illness and injury; and WHEREAS, EMSC promotes a specialized approach to pediatric care; and WHEREAS, Illinois' emergency medical services system strives to integrate pediatric emergency care needs across a wide spectrum; and WHEREAS, in Illinois there are more than 155,000 nurses, 31,000 physicians, 25,000 basic emergency medical technicians (EMTs), 480 coal miner EMTs, 2,600 intermediate EMTs, 9,116 paramedic EMTs and 230 hospitals dedicated to promoting preventive measures, pre-hospital care, outpatient and specialized services, and inpatient and rehabilitative care; and

WHEREAS, Illinois champions the nation's EMSC commitment to reduce childhood morbidity and mortality associated with severe illness and trauma; THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim May 23, 2001, as EMERGENCY MEDICAL SERVICES FOR CHILDREN DAY in Illinois.

Issued by the Governor March 30, 2001.

Filed by the Secretary of State April 5, 2001.

2001-195 EMERGENCY MEDICAL SERVICES WEEK

WHEREAS, emergency medical services (EMS) embody the true concept of teamwork by recognizing the interdependent relationship among trauma centers, EMS system hospitals, ambulance providers, emergency and trauma physicians, emergency nurses, emergency medical technicians (EMTs) basic, coal miner, intermediate and paramedic field nurses, emergency communication nurses, trauma nurse specialists, emergency dispatchers and first responders who are dedicated to saving lives; and

WHEREAS, in Illinois there are more than 63 EMS resource hospitals, 66 trauma centers, and more than 250,000 basic EMTs, 480 coal miner EMTs, 2,600 intermediate EMTs and 9,116 paramedic EMTs selflessly providing 24-hour service to the people of Illinois; and

WHEREAS, this year's national theme, "EMS Answering the Call", underscores the immediacy of the often difficult situations to which EMS personnel must respond;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim May 20-26, 2001, as EMERGENCY MEDICAL SERVICES WEEK in Illinois.

Issued by the Governor March 30, 2001.

Filed by the Secretary of State April 5, 2001.

2001-196 J. WILLIAM DEMARCO DAY

WHEREAS, J. William DeMarco was a dedicated and respected member of the Springfield Police Department from 1963 to 1984, rising from officer, to detective, to sergeant, to Assistant Chief of Police, to Acting Chief of Police; and

WHEREAS, he served as Sheriff of Sangamon County for over eight years; and

WHEREAS, J. William DeMarco improved the services of the Sheriff's Department by implementing a computer booking system and an in-car computer system, starting the DARE program in county schools, and establishing drug task forces with the city, county, State and federal governments; and

WHEREAS, he began a career in State government as Deputy Director of the Illinois Department of Financial Institutions; and

WHEREAS, he then served in the Office of the Treasurer as Administrator of the Unclaimed Property Division and later as the Inspector General; and

WHEREAS, J. William DeMarco was named Citizen of the Year in 1998 by the Gateway Foundation; and

WHEREAS, he is a member of various professional law enforcement organizations, a Board Member of both American Heart Association and Gateway Foundation, and President of Goodwill Industry; and

WHEREAS, J. William DeMarco has always given of himself to his fellow citizens, whether it be in the line of duty as a law enforcement officer, as an elected official, his involvement with volunteer activities, or as a State employee; and

WHEREAS, J. William DeMarco is retiring after decades of service to his community and state;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim April 10, 2001, as J. WILLIAM DEMARCO DAY in Illinois.

Issued by the Governor March 30, 2001.

Filed by the Secretary of State April 5, 2001.

2001-197 MARITIME DAY

WHEREAS, National Maritime Day has been observed since 1933, marking the date of the first successful Atlantic crossing by a ship using steam propulsion; and

WHEREAS, today we honor the American Merchant Marine, whose men and women served in time of war and peace, contributing to the waterborne commerce of our State and nation; and

WHEREAS, men and women from each of our states who are serving in the American Merchant Marines are honored on this day each year along with many seamen who lost their lives in the World Wars and those who served with such courage and dedication in the Korean, Vietnam, and Persian Gulf conflicts; and

WHEREAS, these ocean-going merchant ships greatly benefit the economic standing of Illinois by carrying their cargoes through the Great Lakes and its inland waterways; and

WHEREAS, the Propeller Club of the United States, with 54 member clubs throughout the country, annually celebrates this day with a variety of functions;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim May 22, 2001, as MARITIME DAY in Illinois.

Issued by the Governor March 30, 2001.

Filed by the Secretary of State April 5, 2001.

2001-199 SOY FOODS MONTH

WHEREAS, Illinois farmers are national leaders in soybean production, harvesting 443 million bushels on 10.6 acres last year; and

WHEREAS, soybeans are a major contributor to the economy of the State of Illinois, with a crop value of almost \$2.2 billion last year; and

WHEREAS, the U.S. Food and Drug Administration has approved the claim that

a diet rich in soy protein can lower cholesterol and reduce the risk of heart disease; and WHEREAS, the American Heart Association has officially endorsed the benefits of soy foods in improving cardiovascular health; and WHEREAS, April has been proclaimed National Soy Foods Month; THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim April 2001 as SOY FOODS MONTH in Illinois.

Issued by the Governor March 30, 2001.
Filed by the Secretary of State April 5, 2001.

2001-200

MULTIPLE CHEMICAL SENSITIVITY AWARENESS WEEK

WHEREAS, Multiple Chemical Sensitivity (MCS) is a condition caused by exposure to toxic chemicals in our air, water and food; and WHEREAS, MCS is a condition that can affect people of all ages and backgrounds; and

WHEREAS, the health of the general population may be at risk from chemical exposures that may be minimized by reducing or avoiding chemical use in our environment when possible;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim May 7-13, 2001, as MULTIPLE CHEMICAL SENSITIVITY AWARENESS WEEK in Illinois.

Issued by the Governor April 2, 2001.
Filed by the Secretary of State April 5, 2001.

2001-201

POPPY DAYS

WHEREAS, America is the land of freedom, preserved and protected willingly and freely by citizen soldiers; and WHEREAS, millions who have answered the call to arms have died on the field of battle; and

WHEREAS, a nation at peace must be reminded of the price of war and the debt owed to those who have died in war; and WHEREAS, the red poppy has been designated as a symbol of sacrifice of lives in all wars; and

WHEREAS, the American Legion Auxiliary have annually pledged to remind America of this debt through the distribution of the memorial flower;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim May 24-26, 2001, as POPPY DAYS in Illinois.

Issued by the Governor April 2, 2001.
Filed by the Secretary of State April 5, 2001.

2001-202

RESIDENT COUNCILS MAKE A DIFFERENCE DAY

WHEREAS, Resident Councils offer an opportunity for nursing home and retirement residents to assume a leadership role within their facilities; and WHEREAS, Resident Councils offer an opportunity for residents to support each other, working together as a team to voice areas of concern, develop successful solutions, and ultimately improve standards of care; and

WHEREAS, Resident Councils enable nursing home and retirement residents to discuss and make recommendations about facility policies and procedures affecting their care, treatment, and quality of life; and WHEREAS, Resident Councils provide a forum for residents to develop activities that showcase their creativity, tap into lifelong interests, promote involvement with community members, and provide meaningful moments of success; and

WHEREAS, Illinois nursing homes and retirement communities, through Resident Councils, are continually striving to maximize the residents' independence, leadership skills, physical and mental well-being, and provide members with an active and engaging activity that benefits their community; THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim May 9, 2001, as RESIDENT COUNCILS MAKE A DIFFERENCE DAY in Illinois.

Issued by the Governor April 2, 2001.
Filed by the Secretary of State April 5, 2001.

2001-203

BETTER SPEECH AND HEARING MONTH

WHEREAS, since 1978, the Sertoma Speech and Hearing Center has fulfilled their mission of providing hearing and speech services to the community; and WHEREAS, the Sertoma Speech and Hearing Center is the only non-profit, community based speech and hearing center in the south/southwest Chicago region; and

WHEREAS, since the Center is community based and supported, all funds earned by the Center go directly back into services. These funds include, but are not limited to, providing assessment, treatment, assistive communication devices, and educational services to individuals or other institutions; and

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim May 2001 as BETTER SPEECH AND HEARING MONTH in Illinois.

Issued by the Governor April 3, 2001.
Filed by the Secretary of State April 5, 2001.

2001-204

INFANT IMMUNIZATION AWARENESS WEEK

WHEREAS, early immunizations for preventable diseases such as diphtheria, pertussis, tetanus, polio, measles, mumps, rubella, haemophilus influenzae type B meningitis, and hepatitis B are necessary to maintain our children's health and well-being; and

WHEREAS, it is advised that all children be immunized as early in life as medically recommended, rather than waiting until the child enters school; and WHEREAS, preventing disease is more cost-effective than treating illnesses, and immunizations are a proven method of prevention; and

WHEREAS, the Illinois Department of Public Health, in conjunction with local health departments, hospitals, public vaccine providers, other community organizations and the U.S. Centers for Disease Control and Prevention have joined together to launch "Our Children Are Counting on Us", a national immunization campaign; and

WHEREAS, this campaign is designed to increase parents' understanding of age appropriate immunizations and to expand proper immunization practices among health care providers;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim April 22-28, 2001, as INFANT IMMUNIZATION AWARENESS WEEK in Illinois.

Issued by the Governor April 3, 2001.

Filed by the Secretary of State April 5, 2001.

2001-205 MELISSA FORMAN WEEK

WHEREAS, Northbrook native Melissa Forman's first career break was imitating Bart Simpson on THE MIX 94.5 Champaign; and WHEREAS, Melissa has used her charm and wit to raise \$500,000 for charitable causes, like her stunts of living in a mall for 4 days and on the roof of the University of Illinois for 2 days; and WHEREAS, Melissa has been considered "one of the brightest radio stars in suburbia", by the Chicago Sun Times; and WHEREAS, The Melissa Forman Show, which debuted on April 2, 2001, to a Chicago audience on WLIT 93.9 FM, will inspire morning commuters;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim April 2-6, 2001, as MELISSA FORMAN WEEK in Illinois.

Issued by the Governor April 3, 2001.

Filed by the Secretary of State April 5, 2001.

2001-206 SPARTAN LIGHT METALS PRODUCTS, INC. DAY

WHEREAS, Spartan Light Metals Products, Inc. (originally Spartan Aluminum Products), was founded in 1961 by Henry Jubel, a German-born St. Louisan; and WHEREAS, Mr. Jubel purchased two used diecast machines from his former employer, leased a 20,000 square foot building in Sparta, Illinois, and hired about 20 people from Sparta and surrounding communities; and WHEREAS, his work ethic, integrity, and belief in helping others grow established a foundation for continuous growth and success. Spartan has built a reputation on commitment to quality, customer service, and innovation; and WHEREAS, in the early 1970's, Spartan began casting 390 aluminum, a new high silicon hypereutectic alloy that had been developed by Reynolds Aluminum and General Motors. Spartan was the first custom diecaster to utilize this alloy; and

WHEREAS, in 1980 Spartan was the first magnesium diecaster in the United States to install a magnesium remelt facility which allowed the return of sprues, runners, and scrap castings in high purity magnesium ingot; and

WHEREAS, by the early 1990's, Spartan had installed computerized monitoring devices for process control of its all diecast machines; and WHEREAS, throughout the 1980's and 1990's, Spartan has been recognized by its customers with numerous awards for quality. Ford Q-1, General Motors mark of Excellence and QSP awards, and Toyota Certificate of Achievement have been received; and

WHEREAS, today, Spartan employs over 700 people at plants in Sparta, Illinois and Mexico, and it is recognized by customers such as Toyota, Honda, Ford, and General Motors as a leading manufacturer of quality diecast products;

and

WHEREAS, Donald Jubel, his eldest son, and an experienced management team now lead the company, which is committed to perpetuating the value and principals on which the company was founded. As its vision statement says, "Spartan is 'THE VALUE LEADER IN LIGHT METALS TECHNOLOGIES' through engineered solutions and competitive costs";

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim September 22, 2001, as SPARTAN LIGHT METALS PRODUCTS, INC. DAY in Illinois.

Issued by the Governor April 3, 2001.

Filed by the Secretary of State April 5, 2001.

2001-207 GOLDEN APPLE SCHOLARS OF ILLINOIS DAY

WHEREAS, public and private schools are the backbone of our democracy, providing young people with the tools they need to maintain our nation's precious values of freedom, civility, and equality; and WHEREAS, quality teachers enable student success and provide hope for, and access to, a productive future; and WHEREAS, the Golden Apple Foundation was founded by Chicago venture capitalist Martin J. "Mike" Koldyke in 1985 to publicly honor excellent teachers and provide them the means to have an impact on their profession; and WHEREAS, the Golden Apple Foundation's mission is to recognize excellent Pre-K-12 educators, recruit high school students and college graduates to the teaching profession, and renew the skills of current teachers through various programs; and

WHEREAS, the Golden Apple Foundation is funded through the Illinois State Board of Education, Illinois Board of Higher Education, and private donations; and WHEREAS, the Golden Apple Scholars of Illinois program was created in 1988 by award-winning teachers of the Golden Apple Foundation to recruit and prepare bright and talented high school graduates for successful teaching careers in high need schools throughout Illinois; and WHEREAS, the Golden Apple Foundation provides Scholars financial support, continuous mentoring, innovative summer enrichment, career opportunities through the Golden Apple network of teachers, and lasting friendships with their fellow Scholars; and WHEREAS, the Golden Apple Scholars of Illinois network has expanded from its original class of 15 Scholars, to include over 600 undergraduate and teaching Scholars throughout the State of Illinois;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim April 6, 2001, as GOLDEN APPLE SCHOLARS OF ILLINOIS DAY.

Issued by the Governor April 4, 2001.

Filed by the Secretary of State April 5, 2001.

2001-208

ILLINOIS GOVERNMENTAL INTERNSHIP PROGRAM DAY

WHEREAS, the Illinois Governmental Internship Program, which is co-sponsored by the State Board of Education and the Springfield Public Schools, provides high school seniors from all across Illinois an opportunity to live in Springfield and explore careers in governmental agencies; and

WHEREAS, the guidelines of the program mandate that all interns must possess above average maturity, leadership, and communication skills, be flexible to change, and maintain a positive attitude; and WHEREAS, the combination of job and classroom experiences creates an exciting and educational semester for the interns; and WHEREAS, Cam Davenport and LeRoy Jordan, co-coordinators of the Illinois Governmental Internship Program, have helped each intern enhance and develop team-building skills, good working habits, and oral and written communication skills; and

WHEREAS, a key element for the program's success is the participation of local families who assume responsibility for monitoring each intern and provide wholesome, supportive environments for the interns to live and work; and WHEREAS, the sponsors of the Illinois Governmental Internship Program provide an internship experience that is broadly educational in scope, supportive of the stated educational objective of the program, and directed toward providing the interns with a comprehensive understanding of how the organization functions; and

WHEREAS, Luke Bruckner, Katherine Currie, April Flexer, Ryan Hardy, Jason Hayes, Emily Hobbs, Amaria Huxman, Tiona Johnson, Dave Knouse, Holly Linder, Melissa Llano, Hayley Lutz, Katrina Molnar, Brian Moulton, Elizabeth Purcell, Jessica Raver, Carly Schmitt, Sherri Shouse, Jennifer Wildermuth, Deana Wilhelm, and Angie Williams are the second semester interns participating in the 2001 Illinois Governmental Internship Program;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim April 20, 2001, as ILLINOIS GOVERNMENTAL INTERNSHIP PROGRAM DAY in Illinois.

Issued by the Governor April 5, 2001.

Filed by the Secretary of State April 12, 2001.

2001-209 NAIW WEEK

WHEREAS, the National Association of Insurance Women, International (NAIW) has achieved an illustrious record of professional achievement and dedicated service to its clients and the nation and is deserving of public recognition and commendation; and

WHEREAS, this highly esteemed association is composed of 359 local organizations numbering approximately 13,000 members, all of whom are competent women and men employed in various fields of the insurance industry; and WHEREAS, constantly creating good will through integrity and dedication, the National Association of Insurance Women, International has grown remarkably since it was founded in 1940, with some 39 women representing 17 regional insurance clubs; and

WHEREAS, the major purpose of this highly effective organization is to "encourage and foster educational programs designed to broaden the knowledge and the understanding of the insurance field and to cultivate increasing friendship, loyalty, and desire for service among its members"; and WHEREAS, it is of the inestimable benefit to the members to be provided with the opportunity to associate with other industry professionals, enabling them to share solutions, problems, and experiences and thereby gain better understanding and also increase alliances; and WHEREAS, the National Association of Insurance Women, International includes within its code of ethics the laudable pledge service that is honest,

thorough, gracious, and professional and the promise to perform in an honorable manner -- noble words which are truly a part of each member's pursuit of his or her career; and

WHEREAS, this outstanding organization has been recognized as a vital resource by the Independent Insurance Agents of America, the American Association of Managing General Agents, the Insurance Institute of America, and the Chartered Property and Casualty Underwriters;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim May 20-26, 2001, as NAIW WEEK in Illinois.

Issued by the Governor April 5, 2001.

Filed by the Secretary of State April 12, 2001.

2001-210 NORTHWEST CENTER OF TRADITIONAL POLISH DANCING DAY

WHEREAS, the Northwest Center of Traditional Polish Dancing was founded in 1986 and is celebrating its 15th anniversary this year; and

WHEREAS, the center's dance groups: "Jackowo", "Mala Polonia", "Polonia", "Warmia", "Chopin", and "Krasnoludki" promote the rich heritage and culture of the Polish people; and

WHEREAS, the Northwest Center of Traditional Polish Dancing is under sponsorship of the Polish Roman Catholic Union of America; and WHEREAS, Anna Krysienski is the School Director and Cecylia Roznowska is the Choreographer; and

WHEREAS, the dancers from this center have performed in various parts in the United States and for Pope John Paul II in Rome and in Jerusalem; and WHEREAS, Illinois is proud to have the Northwest Center of Traditional Polish Dancing as an integral part of its cultural life; and

WHEREAS, the Northwest Center of Traditional Polish Dancing's 15th Anniversary Celebration will be held Sunday, April 22, 2001, at the House of the White Eagle, Niles, Illinois;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim April 21, 2001, as NORTHWEST CENTER OF TRADITIONAL POLISH DANCING DAY in Illinois.

Issued by the Governor April 5, 2001.

Filed by the Secretary of State April 12, 2001.

2001-211 ROUND LAKE AREA PANTHER PRIDE DAY

WHEREAS, the communities of Round Lake, Round Lake Beach, Round Lake Heights, and Round Lake Park possess pride in the Round Lake area; and WHEREAS, these communities have always possessed an enthusiastic spirit of cooperation; and

WHEREAS, due to the financial problems of School District 116, some of this enthusiasm has been lost; and WHEREAS, in an effort to reignite some of this lost enthusiasm, a volunteer-driven community project to promote all of the Round Lake area has been planned for Saturday, May 19, 2001; and WHEREAS, on this day, volunteers will go out into the community to take part in various improvement and clean-up projects; and WHEREAS, a "Hoops Classic" fundraiser basketball game between the Round

Lake High School girls varsity basketball team and the boys varsity basketball team will take place during the evening; and WHEREAS, local dignitaries and District #116 teachers and coaches will also participate in the basketball fundraiser;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim May 19, 2001, as ROUND LAKE AREA PANTHER PRIDE DAY in Illinois.

Issued by the Governor April 5, 2001.

Filed by the Secretary of State April 12, 2001.

2001-212 ADOLESCENT SUICIDE PREVENTION WEEK

WHEREAS, "Kids Under Twenty One" is a unique organization of youth and adult volunteers who promote youth-focused and peer-facilitated crisis prevention, suicide intervention and postvention support services to young people; and

WHEREAS, KUTO works with youth in the Illinois counties of Madison, Monroe and St. Clair; and

WHEREAS, suicide is the third leading cause of death for youth aged 15-24; and

WHEREAS, the risk for human self-destruction can be reduced through awareness, education and treatment; and

WHEREAS, it is necessary to regard suicide as a major health problem and to support educational programs, research projects and intervention services; and

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim May 7-11, 2001, as ADOLESCENT SUICIDE PREVENTION WEEK in Illinois.

Issued by the Governor April 6, 2001.

Filed by the Secretary of State April 12, 2001.

2001-213 PEORIA CITIZENS COMMITTEE FOR ECONOMIC OPPORTUNITY DAY

WHEREAS, this year marks the 35th anniversary of the Peoria Citizens Committee for Economic Opportunity; and

WHEREAS, the Peoria Citizens Committee for Economic Opportunity is a direct result of President Lyndon B. Johnson's War on Poverty; and

WHEREAS, the Peoria Citizens Committee for Economic Opportunity has the goal of initiating the integration and linkage of resources, providing a forum for active citizen participation and supplying effective leadership as an agent for change and community development; and

WHEREAS, the Peoria Citizens Committee for Economic Opportunity first started in 1966 with a "Summer Head Start" project and a "Legal Services Program"; and

WHEREAS, by 1978, the Peoria Citizens Committee for Economic Opportunity was providing programs including full year Head Start, daycare, kindergarten, before and after-school programs for latch-key children, alcohol rehabilitation services, a senior drop-in center, neighborhood outreach centers, and radio and television programming; and

WHEREAS, the Peoria Citizens Committee for Economic Opportunity has continued to maintain a majority of the programs and services listed above, increased its community and economic development focus, and increased its unrestricted resource base; and

WHEREAS, the Peoria Citizens Committee for Economic Opportunity will celebrate its 35th anniversary on May 26, 2001, with a semi-formal dinner at the Peoria Civic Center with proceeds helping to fund Community Action Agency's Senior Meals program, Carver Community Center and the Boys and Girls Club of Greater Peoria;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim May 26, 2001, as PEORIA CITIZENS COMMITTEE FOR ECONOMIC OPPORTUNITY DAY in Illinois.

Issued by the Governor April 6, 2001.

Filed by the Secretary of State April 12, 2001.

2001-214 COLONEL TIMOTHY WEAVER DAY

WHEREAS, Colonel Timothy Weaver has served in the United States Air Force for more than 30 years; and

WHEREAS, Colonel Weaver has served in various capacities, including Active Duty in Vietnam, the Indiana Air National Guard, the National Guard Bureau, and the Illinois Air National Guard; and

WHEREAS, Colonel Weaver has served in multiple capacities with the 183rd Fighter Wing, Illinois Air National Guard, including Operations Commander and Vice Wing Commander; and

WHEREAS, Colonel Weaver was instrumental in the 183rd's conversion to F-16's; and

WHEREAS, Colonel Weaver has led the men and women of the 183rd Fighter Wing in military operations around the world; and

WHEREAS, Colonel Weaver always keeps a good perspective on issues, never loses his sense of humor, and exhibits the highest professional standards of an Air Force Officer; and

WHEREAS, Colonel Weaver has been an excellent leader and mentor for the men and women of the 183rd Fighter Wing and has contributed greatly to the excellence that the 183rd Fighter Wing has achieved; and

WHEREAS, even though Colonel Weaver was born in Indiana and attended Indiana State University, we are delighted that he has seen the light and is now an Illini Fan; and

WHEREAS, the men and women of the Illinois Air National Guard and the 183rd Fighter Wing will sorely miss Colonel Weaver;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim April 14, 2001, as COLONEL TIMOTHY WEAVER DAY in Illinois.

Issued by the Governor April 6, 2001.

Filed by the Secretary of State April 12, 2001.

2001-215 JACKIE GARNER DAY

WHEREAS, Jackie Garner's long career in Illinois State government is rooted in her commitment to being a health and human services advocate for all citizens; and

WHEREAS, Jackie was instrumental in founding Prevention First as the State's leading training and resource center for substance abuse prevention; and

WHEREAS, Jackie was honored by Prevention First, Inc., formerly known as

ARTDS Prevention Resource Center, as they celebrate their 15th year anniversary; and WHEREAS, Jackie is well known for her ability to mentor and inspire individuals and organizations to recognize their maximum potential; and WHEREAS, although Jackie has taken on the role as Director of Public Aid, she still holds onto her role in prevention, using the opportunity to achieve her dream of incorporating prevention principles into healthcare policy; and WHEREAS, Jackie, as the mother of Jesse, has her own prevention work in progress; and WHEREAS, Jackie's life experiences in foundation, direct service, advocacy, and government have allowed her unique perspective in the development of this State's policies as they impact health and human services; and WHEREAS, everyone she has worked with on the Governor's Senior Staff misses her, but wishes Jackie the utmost success in her endeavors;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim April 12, 2001, as JACKIE GARNER DAY in Illinois.

Issued by the Governor April 6, 2001.
Filed by the Secretary of State April 12, 2001.

**2001-216
SAFE KIDS WEEK**

WHEREAS, unintentional injury annually claims the lives of 6,000 children ages 14 and younger, making it the number one killer of children in this age group; and

WHEREAS, each year, nearly 120,000 children are permanently disabled and one out of every four children sustains injuries requiring emergency medical attention; and

WHEREAS, 90 percent of these injuries are preventable; and WHEREAS, 41 percent of these injuries occur during the "trauma season" of May, June, July and August; and

WHEREAS, emergency departments experience nearly 3 million visits from children ages 14 and younger each summer; and WHEREAS, the National SAFE KIDS Campaign promotes childhood injury prevention by uniting diverse groups into local and State coalitions, developing innovative educational tools and strategies, initiating public policy changes, promoting new technology and raising awareness through the media; and

WHEREAS, the National SAFE KIDS Campaign, with the support of its founding sponsor Johnson & Johnson, launches SAFE KIDS Week 2001, "Make It a SAFE KIDS Summer", which focuses on the five deadliest warm weather risk areas: motor vehicle crashes, drownings, pedestrian and biking injuries and falls; and WHEREAS, the Illinois SAFE KIDS Coalition has planned special childhood injury prevention activities and community-based events for SAFE KIDS Week 2001 in an effort to educate families about summer safety;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim May 5-12, 2001, as SAFE KIDS WEEK in Illinois.

Issued by the Governor April 6, 2001.
Filed by the Secretary of State April 12, 2001.

**2001-217
SONG FESTIVAL DAYS**

WHEREAS, every year, special days are celebrated in May and June to honor and thank our mothers and our fathers; and

WHEREAS, while many groups set aside days and months to celebrate children's causes, such as child abuse prevention and literacy, there isn't one

WHEREAS, Song Festivals have been a long standing tradition among choruses in Germany and since 1849 in the United States; and WHEREAS, every three years a Song Festival is held in a different Midwestern city in the United States, and Chicago will be the host city in 2001; and WHEREAS, many Chicago area German American choruses dedicated to preserving German culture and heritage will raise their voices in song; and WHEREAS, the President and Board of Directors has announced that all voices will join in song for the 57th National Song Festival on May 26, 2001, at the Chicago Theatre and May 27, 2001, at the UIC Pavilion; THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim May 26-27, 2001, as SONG FESTIVAL DAYS in Illinois.

Issued by the Governor April 6, 2001.
Filed by the Secretary of State April 12, 2001.

**2001-218
ARMENIAN CHRISTIANITY DAY**

WHEREAS, in 301 A.D., the Kingdom of Armenia became the first nation to adopt Christianity as the state religion; and WHEREAS, since 301 A.D., the Armenian people have cherished the memory of St. Gregory the Illuminator who overcame persecution at the hands of pagans and showed King Tiridates II, the King of Armenia, that Christianity was the religion for the Armenian people, and the king ordered Christianity to be the state religion; and WHEREAS, the Armenian people have confirmed their belief for 17 centuries, remaining steadfast in their Christian faith despite numerous persecutions and massacres; and WHEREAS, their faith continues to be the center of Armenian life throughout the world; and WHEREAS, the Armenian Americans have made great contributions to American life since 1619, when Martyn the Armenian arrived at Jamestown, Virginia, and to the life of Illinois since 1892, when Armenians representing the Ottoman Empire at the Colombian Exposition decided to remain in Illinois; and WHEREAS, Armenian Americans contributed greatly to the State of Illinois in all areas, including arts, business, science, education, medicine, law and public services; and WHEREAS, the Illinoisans of Armenian descent are observing the year 2001 and June 17, 2001, known as the Feast of Holy Etchmiadzin, as the 1,700th anniversary of Armenian Christianity;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim June 17, 2001, as ARMENIAN CHRISTIANITY DAY in Illinois Issued by the Governor April 10, 2001.
Filed by the Secretary of State April 12, 2001.

**2001-219
EL DIA DE LOS NIÑOS**

WHEREAS, every year, special days are celebrated in May and June to honor and thank our mothers and our fathers; and WHEREAS, while many groups set aside days and months to celebrate children's causes, such as child abuse prevention and literacy, there isn't one

special day to honor our children; and
 WHEREAS, children's days are celebrated in other nations, including Japan, Korea, Canada, Turkey, and Mexico; and
 WHEREAS, Mexico celebrates El Dia de los Ninos on April 30th, and since Mexico shares a border with the United States and a large and growing proportion of Illinois residents trace their lineage to Mexico, it is fitting that a day be set aside to value and uplift Latino children and all children in Illinois; and
 WHEREAS, the idea for establishing this special day for children grew out of the first National Summit on Young Latinos held in San Antonio, Texas, in September 1996 and sponsored by the National Latino Children's Institute; and WHEREAS, establishing El Dia de los Ninos is an excellent way to focus on the many challenges faced by our State's children, youth, and their families;
 THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim April 30, 2001, as EL DIA DE LOS NINOS in Illinois.
 Issued by the Governor April 10, 2001.
 Filed by the Secretary of State April 12, 2001.

2001-220
FAMILIES OF DISTINCTION DAY

WHEREAS, community action agencies were created when the Economic Opportunity Act of 1964 was signed into law; and
 WHEREAS, community action agencies have a 37-year history of promoting self-sufficiency for those individuals with limited income; and
 WHEREAS, community action agencies have made an essential contribution to individuals and families in Illinois by providing them with innovative and cost-effective programs; and
 WHEREAS, community action agencies are needed as major participants in the reform of the welfare system as we know it; and
 WHEREAS, welfare reform in Illinois has benefited from the State's partnership with the Illinois Community Action Association and its 40 member agencies; and
 WHEREAS, those with limited income continue to need opportunities to improve their lives and their living conditions, thus ensuring that all citizens are able to live in dignity; and
 WHEREAS, on May 6, 2001, the Illinois Community Action Association will host its Annual Families of Distinction Banquet, commemorating the success of families who have overcome great obstacles to become self-sufficient;
 THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim May 6, 2001, as FAMILIES OF DISTINCTION DAY in Illinois.
 Issued by the Governor April 10, 2001.
 Filed by the Secretary of State April 12, 2001.

2001-221
ORGAN AND TISSUE DONOR AWARENESS MONTH

WHEREAS, currently 75,000 people nationwide, including 5,000 in Illinois, are on organ transplant waiting lists with many more in need of life saving and life enhancing tissue transplants, and 16 Americans die each day due to a lack of available organs; and
 WHEREAS, thousands of individuals have been given new life through organ

and tissue donation; and
 WHEREAS, many caring Illinois citizens decide to donate their organs and tissue, and many families have embraced this gift of life by agreeing to donate their loved one's organs; and
 WHEREAS, almost everyone in Illinois can be an organ or tissue donor; and WHEREAS, the Illinois Governor's Office, along with the National Kidney Foundation of Illinois, the Regional Organ Bank of Illinois, Secretary of State Jesse White, Mid-America Transplant Services, the Illinois Eye Bank, the American Red Cross, the American Liver Foundation, and the Minority Organ and Tissue Transplantation Education Program are working together to encourage the public to consider organ and tissue donation and to share this decision with their family members;
 THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim April 2001 as ORGAN AND TISSUE DONOR AWARENESS MONTH in Illinois.
 Issued by the Governor April 10, 2001.
 Filed by the Secretary of State April 12, 2001.

2001-222
PASTOR JO ANN LONG DAY

WHEREAS, on May 5, 2001, the New Covenant Life Church Family is celebrating the first Ministerial Anniversary of their founding pastor and teacher Jo Ann Long for her more than 30 years of dedicated service; and WHEREAS, Pastor Long has become a highly respected and sought after international conference speaker, drawing from her own education and life and identifying with the various issues and needs akin to women, children and youth; and
 WHEREAS, she has made numerous contributions to the community, serving as a mentor to many, a respected voice in the urban community, a radio personality and an author; and
 WHEREAS, her list of accomplishments include Domestic Violence Walks Against Crime and Awareness Forum; Project Love, an annual holiday giveaway to needy residents of the Chicago Housing Authority, hospitals and nursing and rehabilitation centers; The Rahab House, a refuge home for women; and many radio and television broadcasts offering messages of spirituality and healing; and
 WHEREAS, Pastor Long is a woman of vision with a mission to offer a holistic, full gospel message to challenge and change the lives of the people in her church and community;
 THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim May 5, 2001, as PASTOR JO ANN LONG DAY in Illinois.
 Issued by the Governor April 10, 2001.
 Filed by the Secretary of State April 12, 2001.

2001-223
SIGMA GAMMA RHO AND KAPPA ALPHA PSI SORORITY AND FRATERNITY DAYS

WHEREAS, the Sigma Gamma Rho Sorority and the Kappa Alpha Psi Fraternity have jointly launched a historically significant conference through which to develop and implement plans, projects, and programs specifically designed to achieve community improvement, community-stability, and community-prosperity, thereby enhancing life in Black residential neighborhoods; and

WHEREAS, both national Black Societies advance the cause of higher educational goals for both undergraduate and graduate students through the presentation of scholarship awards to those academically qualified students; and WHEREAS, the purpose of this conference is to organize meetings and network from various industries and communicate with national politicians, community and other leaders about their community oriented programs developed for the betterment of the community-at-large; and

WHEREAS, Helen J. Owens, National President of Sigma Gamma Rho Sorority will be the keynote speaker at a public forum relating to strong, capable, and committed leadership in the African-American community on Friday, April 13, 2001; and WHEREAS, more than 1,000 delegates, with chapters located in 11 states will participate in all operations, programs, and social functions; and WHEREAS, the members of Sigma Gamma Rho and Kappa Alpha Psi want to thank Lucile Banks-Jefferson, Regional 2001 Conference Hostess and Phillip Jones, General Chairman, 2001 North Central Province for their combined efforts in organizing this joint conference, with an agenda designed to promote the cultural life of Black communities;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim April 13-15, 2001, as SIGMA GAMMA RHO AND KAPPA ALPHA PSI SORORITY AND FRATERNITY DAYS in Illinois.

Issued by the Governor April 10, 2001.
Filed by the Secretary of State April 12, 2001.

2001-224 SOUTHERN ILLINOIS FESTIVAL OF IRISH MUSIC AND DANCE DAY

WHEREAS, 2001 marks the 5th Annual Southern Illinois Festival of Irish Music and Dance at Southern Illinois University in Carbondale; and WHEREAS, the theme of the 2001 Southern Illinois Festival of Irish Music and Dance is "The Fifth Anniversary"; and

WHEREAS, the Southern Illinois Festival of Irish Music and Dance offers many opportunities for cultural activities, arts, crafts, music and dance performances; and WHEREAS, Chairperson Connie Shanaham says, "The dew is on the heather, and the pipe and the fiddle have called fair citizens and visitors alike to this place in recognition of the Southern Illinois Festival of Irish Music and Dance";

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim April 29, 2001, as SOUTHERN ILLINOIS FESTIVAL OF IRISH MUSIC AND DANCE DAY in Illinois.

Issued by the Governor April 10, 2001.
Filed by the Secretary of State April 12, 2001.

2001-225 CRIME VICTIMS' RIGHTS WEEK

WHEREAS, as our cities, counties, and State continue to make strides in reducing the crime rate, it is important to remember that there are still far too many victims of crime; and WHEREAS, those who have suffered a violation of their person, property, or

trust deserve to be treated with dignity and respect by the criminal and juvenile justice systems and by society at-large; and WHEREAS, our response to crime victims plays an important role in their efforts to rebuild their lives following the offense; and WHEREAS, through public and private efforts, our communities have already taken important steps to ensure that our treatment of victims helps them begin the healing process; and WHEREAS, it is important to recognize the volunteers who work hard on behalf of crime victims, as well as the many law enforcement officers, prosecutors, victim service providers, corrections officers, parole and probation officers, counselors, physicians, health care professionals, and the many others whose dedication and service to crime victims help to lesson the trauma and assist in personal recoveries; and

WHEREAS, it is important that we offer encouragement and support to crime victims and express our appreciation for those victims and survivors of crime who have turned personal tragedy into a motivating force to improve the rights and treatment of other victims of crime;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim April 22-28, 2001, as CRIME VICTIMS' RIGHTS WEEK in Illinois.

Issued by the Governor April 11, 2001.

Filed by the Secretary of State April 12, 2001.

2001-226 POLISH CONSTITUTION DAY

WHEREAS, the Polish Constitution of 1791 was the first liberal declaration in Europe which called for rule by majority and democratic principals of liberty and religious freedom; and

WHEREAS, Polish Americans contributed greatly to the State of Illinois in all areas, including arts, business, science, medicine, law, government, and public services; and

WHEREAS, Adam Ocytko, Parade Chairman announced Mr. Stanley Jendzejec, National Vice President of Polish National Alliance is the Parade Grand Marshall; and

WHEREAS the Chicago Society of the Polish National Alliance will host a Pre-Parade Brunch at the Congress Hotel in Chicago, and the Polish Constitution Day Committee will sponsor the Polish Constitution Day Banquet at the Jolly Inn in Chicago, Illinois; and

WHEREAS, the Annual Wreath Laying Ceremony, sponsored by the Polish National Alliance, will take place at the Tadeusz Kosciuszko Statue on May 6, 2001, at the Solidarity Parkway in Chicago; and

WHEREAS, following the ceremony, the Polish National Alliance Commemorative Mass at Holy Trinity Church will be celebrated by Rev. Wiktor Skwarczynski, Bishop of Tarnow Diocese, Poland; and

WHEREAS, the Polish American Police Association's 37th Annual Awards Banquet celebrating Polish Constitution Day will honor Paul R. Pankiewicz, Captain, Cook County Sheriff Department and Mr. Romuald E. Matuszczyk, President, R. Matuszczyk Travel; and

WHEREAS, the Polish Constitution Day Parade honoring the 210th anniversary of the adoption of the Polish Constitution of 1791 will take place Saturday, May 5, 2001, and its theme will be "Polonia In The New Millennium"; THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim

May 3, 2001, as POLISH CONSTITUTION DAY in Illinois.
Issued by the Governor April 11, 2001.
Filed by the Secretary of State April 12, 2001.

**2001-227
CHILDREN'S MENTAL HEALTH MONTH**

WHEREAS, the Surgeon General's published report on mental illness states that mental illness is a "critical public health problem that must be addressed by the nation"; and
WHEREAS, the Surgeon General also points out that mental health issues affect children differently than adults; and
WHEREAS, twenty-one percent of five-year-old children suffer from mental health disorders at a minimum level of impairment, eleven percent at the moderate to significant level of impairment and five percent at the extreme level of impairment; and

WHEREAS, these statistics apply to children who have been diagnosed with mental health illness, but many more go undiagnosed; and
WHEREAS, the Illinois Federation of Families is greatly concerned about the future of our youth and the necessity to inform the public about children's mental health issues;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim May 2001 as CHILDREN'S MENTAL HEALTH MONTH in Illinois.
Issued by the Governor April 12, 2001.
Filed by the Secretary of State April 19, 2001.

**2001-228
MDA DISABILITY AWARENESS MONTH**

WHEREAS, it is estimated that 1 million Americans are affected by a form of neuromuscular disease which is physically disabling; and
WHEREAS, the Muscular Dystrophy Association (MDA) assists thousands in

Illinois with neuromuscular disease through eight MDA chapters; and
WHEREAS, it is the responsibility of all citizens of Illinois to assist in meeting the physical and emotional needs of individuals with disabilities; and
WHEREAS, as citizens of Illinois, we must value the worth, dignity and rights of these individuals;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim April 2001 as MDA DISABILITY AWARENESS MONTH in Illinois.
Issued by the Governor April 13, 2001.
Filed by the Secretary of State April 19, 2001.

**2001-229
WE REMEMBER, WE CARE FOR INDIGENT PERSONS DAY**

WHEREAS, poverty, loneliness, and anonymity are ever present realities in our society; and
WHEREAS, many citizens, visitors, and strangers, at any given time, are victims of these tragic conditions that often lead to suffering, abandonment, and death; and
WHEREAS, various individuals, groups, and organizations (public, private, and religious) make heroic efforts to remember and care for these indigent,

disabled, lonely, and unknown persons who live and die among us; and
WHEREAS, the unselfish acts of these caregivers and the contributions to our society of caregivers are not always known nor formally recognized; and
WHEREAS, citizens of the State of Illinois are encouraged to participate in various community awareness exhibits and seminars, to visit the sick, elderly, confined, orphaned and dying, attend interfaith memorial services, and visit and preserve the Potter's Field in their area; and

WHEREAS, the hope and noble desire of all is to share equally in the blessings of liberty, justice, and prosperity granted by Almighty God;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim May 23, 2001, as WE REMEMBER, WE CARE FOR INDIGENT PERSONS DAY in Illinois.
Issued by the Governor April 13, 2001.
Filed by the Secretary of State April 19, 2001.

**2001-230
CHARTER SCHOOLS WEEK**

WHEREAS, Illinois charter schools have been authorized by the Illinois State Legislature; and
WHEREAS, Illinois charter schools offer new choices and new accountability in public education; and

WHEREAS, there are 21 charter school campuses operating in Illinois, serving some 8,000 students with several additional Charter Schools opening next fall; and
WHEREAS, the pioneering developers, parents, teachers, and students responsible for the success of charter public schools have earned the respect and acknowledgement of the citizens of Illinois;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim April 30-May 4, 2001, as CHARTER SCHOOLS WEEK in Illinois.
Issued by the Governor April 16, 2001.
Filed by the Secretary of State April 19, 2001.

**2001-231
CYTOTECHNOLOGY DAY**

WHEREAS, cytotechnologists are specialists in the field of medical technology whose primary responsibility is to examine cells to detect a variety of diseases, including cancer and pre-cancerous changes; and
WHEREAS, these skilled professionals are called upon daily to examine various medical specimens and advise physicians, who in turn use this vital information to chart the course of treatment for their patients; and

WHEREAS, through the diagnostic skill of cytotechnologists, it is possible to detect cancer in the early stages of development; greatly contributing to the chances of survival, eliminating uterine cancer as the number one cause of death in women; and
WHEREAS, there are a few hundred cytotechnologists in the State of Illinois, and only about 9,000 nationwide; and

WHEREAS, the Illinois Society of Cytology will join the American Society of Cytotechnology in observing National Cytotechnology Day on May 13, 2001;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim May 13, 2001, as CYTOTECHNOLOGY DAY in Illinois.
Issued by the Governor April 17, 2001.

Filed by the Secretary of State April 19, 2001.

**2001-232
AMERICAN CHEMICAL SOCIETY DAYS**

WHEREAS, the 222nd National Meeting of the American Chemical Society (ACS) will be held August 26-30, 2001, in Chicago, Illinois; and WHEREAS, ACS holds two national meeting a year, featuring presentations of cutting-edge research that spans all aspects of chemistry and the chemical-related sciences; and

WHEREAS, the mission of the ACS is "to encourage the advancement of the chemical enterprise and its practitioners," as well as "advance scholarly knowledge, provide professional service and support, communicate with varied audiences, and remain actively involved in the science, education, and public policy arenas"; and

WHEREAS, this year marks the 125th anniversary of the American Chemical Society; and WHEREAS, the first meeting of the ACS was held April 6, 1876, and over the past 125 years, membership has increased to over 160,000 chemists, making it the world's largest scientific society; and

WHEREAS, ACS members have dedicated themselves to scientific excellence in order to enhance our health and safety, strengthen our economy, and transform our homes and workplace;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim August 26-30, 2001, as AMERICAN CHEMICAL SOCIETY DAYS in Illinois.

Issued by the Governor April 18, 2001.

Filed by the Secretary of State April 19, 2001.

WHEREAS, asthma is a chronic disease with associated significant morbidity and mortality; and

WHEREAS, while asthma affects all segments of the population, statistics suggest that the impact of this disease is felt disproportionately by young children; and

WHEREAS, disparities in prevalence, access to care and outcomes from asthma are felt more acutely within certain populations, including minorities throughout this State; and WHEREAS, the number of persons in Illinois affected by asthma has greatly increased over the past decade and continues to rise; and

WHEREAS, preventive health interventions and health education can effectively help control asthma and reduce its occurrence; and WHEREAS, in an effort to coordinate with other initiatives, including World Asthma Day 2001 and Asthma and Allergy Awareness Month, May 3, 2001, has been designated as Asthma Day to increase general awareness of this disease;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim May 3, 2001, as ASTHMA DAY in Illinois.

Issued by the Governor April 18, 2001.

Filed by the Secretary of State April 19, 2001.

2001-234

EDWIN J. KORCZYNSKI DAY

WHEREAS, Edwin J. Korczynski was born in Chicago, Illinois, and graduated from Henry D. Lloyd Elementary, Albert G. Lane Technical High School, and Northern Illinois University with a B.S. in Business Administration; and

WHEREAS, Edwin Korczynski has been a dedicated member of the American Red Cross Disaster Volunteer Team, Boy/Explorer Scouts, United States Air Force, CAP Lith Squadron #282, United States Navy Sea Cadet Corps, Emergency Service Disaster Volunteer in Cook County, Food Pantry Volunteer, and Pilots for Hospitalized Children; and

WHEREAS, during the Vietnam crisis, he demonstrated courage and dedication by enlisting in the United States Marine Corps, serving in the 39th Officers Candidate Class of 1965 at Quantico, Virginia; and

WHEREAS, Edwin Korczynski rallied hundreds of volunteers to contribute both time and funds for the restoration of the great American Revolutionary War Hero General Casimir Pulaski's monument in Savanna, Georgia; and

WHEREAS, he demonstrated his patriotism a second time, volunteering to serve in the desert fighting of the Persian Gulf, where he completed 25 Civil Reserve Air Fleet (CRAF)/ Military Airlift Command (MAC) missions as a Boeing 747 Pilot/Flight Engineer transporting Marines, Medical Battalion and supplies vital to the Kuwaiti Liberation efforts; and

WHEREAS, for his efforts in the Gulf War, Edwin Korczynski was awarded the Civilian Desert Shield and Desert Storm medal for Outstanding Achievement as a pilot/flight engineer; and

WHEREAS, during the November 2000 election, Edwin Korczynski served as Precinct Captain and rallied all 454 of the registered voters in his precinct to cast ballots; and

WHEREAS, Edwin Korczynski was tendered a certificate by William L. Braden, Chief Executive Officer, Mid America Chapter of the American Red Cross to acknowledge the grateful appreciation for Korczynski volunteering his time and support to the American Red Cross of Chicago and those in need; and

WHEREAS, Edwin Korczynski has made his family and friends very proud over the years, especially the "Korczynski Krew", his five daughters Ediane, Kimberly, Elizabeth, Bethany, and Megan; THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim MAY 1, 2001, as EDWIN J. KORCZYNSKI DAY in Illinois.

Issued by the Governor April 18, 2001.

Filed by the Secretary of State April 19, 2001.

2001-235

FAIR HOUSING MONTH

WHEREAS, Congress passed into law the Fair Housing Act on April 11, 1968, which prohibits discrimination in the sale and rental of housing within the constitutional limitations of the United States, regardless of ownership or management, based on race, color, national origin, and religion; and

WHEREAS, the Fair Housing Law was amended by the Housing and Community Development Act of 1974 to include prohibition against discrimination based on sex, and subsequently amended March 13, 1989, to expand the coverage of the Fair Housing Law to persons with a handicap and familial status; and WHEREAS, the St. Louis Regional Fair Housing Collaborative is a regional fair housing umbrella organization organized in December 1998 to promote fair

housing compliance through education of the collaborative members as well as the community. These initiatives are designed to promote diverse communities and the development and implementation of fair housing strategies to increase fair housing compliance and/or enforcement; and

WHEREAS, April 2001 marks the 33rd anniversary of the enactment of the Fair Housing Act, and the St. Louis Regional Fair Housing Collaborative is sponsoring the 3rd annual event to commemorate the passage of the Fair Housing Act;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim April 2001 as FAIR HOUSING MONTH in Illinois.

Issued by the Governor April 18, 2001.

Filed by the Secretary of State April 19, 2001.

2001-236 COACH DENNIE BRIDGES DAY

WHEREAS, Coach Bridges is a native of Anchor, Illinois, and was a student at Illinois Wesleyan University; and

WHEREAS, he was a four-year letterman and starter in basketball and baseball and a three-year football letterman, and he was an all conference quarterback and captain for two years, voted most valuable player; was an all conference basketball player, and is currently 40th in school scoring history with 926 career points; and

WHEREAS, in 1964, he returned to Illinois Wesleyan University to be the assistant basketball coach and head tennis coach, and he became head basketball coach during the 1965-1966 season, leading the Illinois Wesleyan University Titans to six College Conference of Illinois and Wisconsin (CCIW) championships in seven years; and

WHEREAS, in 1981, Coach Bridges became the Athletic Director, adding women's varsity swimming, cross country, soccer, golf, and men's varsity soccer to the athletic program; and

WHEREAS, Coach Bridges has a career coaching record of 667-319, and this season the team finished 24-7 and placed third in the National Division III Tournament; and

WHEREAS, he earned the Division III "Coach of the Year" after his 1997 team won the Division III title; and

WHEREAS, Coach Bridges is one of only 22 college coaches with more than 650 victories. He retires as the coach with the most wins in NCAA Division III men's basketball and is second in Division III history; and

WHEREAS, Coach Bridges has coached in the CCIW longer and won more league championships than any other coach in CCIW history; and

WHEREAS, he is a member of the Illinois Basketball Coaches Association Hall of Fame, and he received the Illinois Basketball Coaches Association Buzzy O'Connor award for meritorious service; and

WHEREAS, Coach Dennis Bridges and his wife, Rita, have three children,

Angie, Steve, and Summer;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim

March 28, 2001, as COACH DENNIE BRIDGES DAY in Illinois.

Issued by the Governor April 19, 2001.

Filed by the Secretary of State April 26, 2001.

2001-237 JOHN T. TRUTTER DAY

WHEREAS, The Lincoln Academy of Illinois, unique among the 50 states, was established in 1965 to honor Illinois' most distinguished citizens, either by birth or residence, who have brought honor to the State by their achievements; and

WHEREAS, John T. Trutter was honored as a Laureate of the Lincoln Academy in 1982, a Regent in 1983, Chancellor-elect on November 9, 1984, and Chancellor on April 27, 1985; and

WHEREAS, the Chancellor presides over the Academy's annual Laureate Ceremony, where the Order of Lincoln Medallion, the State's highest honor, is presented to individuals who were born or reside in Illinois and who have excelled in professional, civic or philanthropic endeavors; and

WHEREAS, the Chancellor also presides over the annual Student Laureate Ceremony, where the top scholars from each of the State's four-year degree-granting colleges and universities are honored; and

WHEREAS, John T. Trutter has a distinguished history of service to business in Illinois, beginning a nearly 40-year career with the AT&T Corporation after he joined Illinois Bell in 1946, during which he rose from "a trainee handyman" to Vice President of Public Relations and served as President and CEO of the Chicago Convention and Visitors Bureau; and

WHEREAS, John T. Trutter has shown tremendous commitment to the humanities, serving as President of the Illinois State Historical Society, Chairman of the Illinois and Michigan Canal Corridor Association, and founding President of the Sangamon County Historical Society, and he has also been associated with more than 40 board directorships, commissions and special committees on local, State and national levels; and

WHEREAS, he co-authored "The Governor Takes a Bride", a 1977 book about Illinois Governor John Tanner, with his late wife, Weque, and was awarded the Order of Lincoln by The Lincoln Academy of Illinois in 1980 in recognition for his volunteer social service work; and

WHEREAS, John T. Trutter will become Chancellor Emeritus of The Lincoln Academy of Illinois on May 5, 2001, following 16 years of stellar service to the Academy;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim May 5, 2001, as JOHN T. TRUTTER DAY in Illinois.

Issued by the Governor April 19, 2001.

Filed by the Secretary of State April 26, 2001.

2001-238 MENTAL HEALTH WEEK

WHEREAS, May is National Mental Health Month; and WHEREAS, today, at least one in five Americans may have a behavioral, emotional, or mental health problem; and

WHEREAS, at least 1 in 10--or as many as 6 million young people-- may have a serious emotional disturbance that severely disrupts his or her ability to interact effectively with family, at school, and in the community; and WHEREAS, mental health is fundamental to overall health, and mental disorders are real health conditions that impact individuals and families; and

WHEREAS, the effectiveness of mental health treatment is well documented, and a range of treatments exist for most mental disorders; and WHEREAS, the Illinois Department of Human Services will hold a public awareness event at the State Capitol on Monday, May 21, featuring a photographic exhibit created by the Janet Wattles Center, a not-for-profit community mental health center in Rockford;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim May 20-26, 2001, as MENTAL HEALTH WEEK in Illinois.

Issued by the Governor April 19, 2001.
Filed by the Secretary of State April 26, 2001.

2001-239

CHRISTIAN SCHOOL DAY

WHEREAS, George Washington, the first President of the United States, stated, "While just government protects all in their religious rights, true religion affords to government its surest support"; and

WHEREAS, John Adams, the second President of the United States, stated, "We have no government armed with power capable of contending with human passions unbridled by morality and religion"; and

WHEREAS, Charles Carroll of Carrollton, a signer of the Declaration of Independence, stated, "Without morals a republic cannot subsist any length of time"; and

WHEREAS, Richard Henry Lee, a signer of the Declaration of Independence, stated, "It is certainly true that a popular government cannot flourish without virtue in the people"; and

WHEREAS, Abraham Lincoln, the sixteenth President of the United States, stated, "The philosophy of the school room in one generation will be the philosophy of government in the next"; and

WHEREAS, Christian Schools in Illinois teach young people the virtues of honesty, decency, courage, and integrity; and

WHEREAS, Christian Schools in Illinois teach young people to be moral and religious people who respect those in authority, thus contributing to the well-being of the State of Illinois;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim April 24, 2001, as CHRISTIAN SCHOOL DAY in Illinois.

Issued by the Governor April 23, 2001.
Filed by the Secretary of State April 26, 2001.

2001-240

WILLIAM J. KALLAS WEEK

WHEREAS, William J. Kallas became the Mayor of the City of Oakbrook Terrace in 1993 and served the City for two consecutive terms; and

WHEREAS, prior to his tenure as Mayor of the City, Kallas was appointed to the City Council and served as the Alderman overseeing financial operations of the City; and

WHEREAS, a \$6 million potable Lake Michigan Water System was constructed and completed to the benefit of City residents, businesses and institutions; and WHEREAS, during his exemplary career of service to the residents of the City, the first and only grant was received by the City from the State of

Illinois in order to provide potable water service from the City's Lake Michigan water system for County residents adjacent to the City; and WHEREAS, Mayor Kallas was instrumental in bringing the Miss America/Miss Illinois pageant scholarship program to the City and to arrange for City sponsorship; and

WHEREAS, under Mayor Kallas' leadership and guidance, he is leaving the City in a state of greater financial stability together with a six month General Fund operating reserve; and

WHEREAS, during the Mayor's tenure, a major lease was signed bringing the headquarters of ComEd to one of the City's high quality office complexes; and WHEREAS, his lifetime of achievement serves as an inspiration to all Illinois citizens;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim April 29-May 5, 2001, as WILLIAM J. KALLAS WEEK in Illinois.

Issued by the Governor April 23, 2001.
Filed by the Secretary of State April 26, 2001.

2001-241

ACCESS LIVING DAY

WHEREAS, the largest minority in the United States comprises nearly one-fifth of the nation's population, all of whom are Americans living with a disability, including the more than 1,500,000 people with disabilities living in Illinois; and

WHEREAS, the Office of Human Services is working to make Illinois the nation's most accessible state through advocacy, education, training and direct services for people with disabilities in all aspects of life; and WHEREAS, Access Living, an organization involved in education and advocacy efforts across the city, State and country, which is governed and staffed by a majority of people with disabilities, shares the State of Illinois' goals of independence, empowerment and inclusion of people with disabilities; and WHEREAS, Access Living fosters the dignity, pride and self esteem of people with disabilities and enhances the opportunities available to them by offering peer-oriented independent living services, public education and awareness, individual and systematic advocacy and the enforcement of civil rights on behalf of people with disabilities; and

WHEREAS, for more than 20 years, Access Living has served nearly 3,000 people annually through its innovative programs within the community; and WHEREAS, on June 7, 2001, Access Living will hold its 2001 Annual Benefit, featuring a multimedia presentation by renowned film critic Roger Ebert;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim June 7, 2001, as ACCESS LIVING DAY in Illinois.

Issued by the Governor April 24, 2001.
Filed by the Secretary of State April 26, 2001.

2001-242

ARMENIAN MARTYRS DAY

WHEREAS, the Armenian community is commemorating the 86th Anniversary of the Armenian Genocide; and

WHEREAS, the extermination of 1.5 million Armenians and the forced deportation of countless others between the years of 1915 and 1923 is

recognized every year; and

WHEREAS, Armenians continue to be a people of hope, working side-by-side for the future of Armenia. Through their faith and pride in their heritage, Armenians remain a strong and courageous people working toward rebuilding a firm foundation for Armenia; and

WHEREAS, Armenian-Americans have been forthright in their efforts to preserve their culture, heritage and language; and

WHEREAS, the Armenian-American community has made significant contributions in all areas of life, including education, medicine, science, business, arts, government and public service in Illinois;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim April 24, 2001, as ARMENIAN MARTYRS DAY in Illinois in remembrance of the 86th Anniversary of the Armenian Genocide.

Issued by the Governor April 24, 2001.
Filed by the Secretary of State April 26, 2001.

2001-243
COLLEEN WILSON DAY

WHEREAS, Colleen Wilson has a B.A. degree in Fine Arts, an M.A. degree in Specialized Reading, and over 20 hours in Educational Administration; and

WHEREAS, her educational background and life experiences give her a unique background for working with students experiencing difficulties in reading, and her methods and style of teaching have incorporated gifted and multiple intelligence philosophies long before these theories were popularized; and

WHEREAS, Colleen has been the Title 1 Director and one of its instructors for Community Unit District #16 in New Berlin, Illinois for the past 25 years; and

WHEREAS, she focused the local program on parental communications and involvement, and the support and encouragement of the district's administration coupled with adequate federal funding have been a key to the program's success; and

WHEREAS, in the 1970s and 80s, Colleen developed, designed and administered a model Title 1 program, presenting the program design to various schools and colleges for the State Board of Education; and

WHEREAS, for the past ten years, Colleen has been a leader in integrating technology into the Title 1 program, presenting highlights of her technology designs at the Statewide Title 1 Conferences and coordinating an inservice for all involved in the Title 1 program at the local level; and

WHEREAS, currently, Colleen is placing a renewed focus on parental involvement and shared educational experiences regarding current brain research and its practical applications; and

WHEREAS, a survey of the students and their families who have participated in the Title 1 program over the last 25 years gives a glimpse of the positive impact of the program on their lives, and the continuing success of the program in District #16 is a direct reflection of the efforts of this dedicated educator;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim May 7, 2001, as COLLEEN WILSON DAY in Illinois.
Issued by the Governor April 24, 2001.
Filed by the Secretary of State April 26, 2001.

2001-244

MICHAEL W. DONNAN DAY

WHEREAS, Michael W. Donnan will retire this summer after 33 years of teaching in Illinois; and

WHEREAS, Michael Donnan has taught Agriculture Education and has served as FFA advisor in the Ashland and A-C Central school districts; and

WHEREAS, for 26 years, he has served as both instructor and elementary school principal; and

WHEREAS, former students and fellow teachers will gather for a retirement roast at A-C Central High School in Ashland on Saturday, May 19, 2001, to say goodbye and honor him for 33 years of teaching; and

WHEREAS, Michael Donnan will be greatly missed, but everyone in the A-C Central school district wishes him the best of luck;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim May 19, 2001, as MICHAEL W. DONNAN DAY in Illinois.
Issued by the Governor April 24, 2001.
Filed by the Secretary of State April 26, 2001.

2001-245

LOYALTY DAY

WHEREAS, this nation is kept strong and free by the loyal citizens who preserve our precious freedom heritage through their positive patriotic declarations and actions; and

WHEREAS, all loyal citizens should make it their duty to inspire complete patriotism among all of our peoples; and

WHEREAS, we urgently need a vigorous display of true red, white and blue Americanism, thus convincing friends and enemies alike that our nation is firmly united for self-preservation;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim May 1, 2001, as LOYALTY DAY in Illinois.
Issued by the Governor April 24, 2001.
Filed by the Secretary of State April 26, 2001.

2001-246

DISASTER AREA - STATE OF ILLINOIS

As a result of heavy rains and snow melt in the upper Midwest, record and near-record flooding has been forecast for the Mississippi River upstream of the Quad Cities Area. On April 13, 2001, Illinois communities along the Mississippi River began preparations for a major flood fight. Based on previous record and near-record flooding on the Mississippi River, the State of Illinois and impacted local governments likely will be involved in an extended flood fight followed by a period of recovery. State and local resources will be utilized in emergency response and in the recovery effort.

In the interest of aiding the citizens of Illinois and the local governments responsible for ensuring public health and safety, I hereby declare that a disaster exists in the State of Illinois and specifically declare Adams, Carroll, Jo Daviess, Hancock, Henderson, Mercer, Rock Island and Whiteside Counties as State Disaster Areas pursuant the provisions of Section 3305/7 of the Illinois Emergency Management Agency Act, 20 ILCS 3305/7.

This gubernatorial proclamation of disaster will assist the Illinois Emergency Management Agency in coordinating State resources to support local governments in disaster response and recovery operations. This proclamation will also make possible the request for federal assistance to supplement the State's efforts if it is deemed necessary to protect the public health and safety and to assist in recovery.

Issued by the Governor April 20, 2001.

Filed by the Secretary of State April 20, 2001.